



**Region 6
1201 Elm Street
Dallas, Texas 75270**

NPDES Permit No. NM0022292

**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 Santa Fe Paseo Real WWTP
P.O. Box 909
Santa Fe, NM 87504-0909**

is authorized to discharge to receiving waters named Santa Fe River in Segment No. 20.6.4.113 NMAC of the Rio Grande Basin, from a facility located at 73 Paseo Real, Santa Fe, in Santa Fe County, New Mexico.

The discharge is located on that water at the following coordinates:

Outfall 001: Latitude 35° 37' 52.41" N, Longitude 106° 05' 18.88" W

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

This permit supersedes and replaces NPDES Permit No. NM0022292 issued on July 1, 2021.

This permit prepared by Quang Nguyen, Environmental Engineer, Permitting Section shall become effective on _____

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

Issued on _____

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

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PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS.

1. OUTFALL 001 - Final Effluent limits – 13 MGD Design Flow

During the period beginning the effective date of this permit and lasting through the expiration date of this permit (unless otherwise noted), the permittee is authorized to discharge treated municipal wastewater to the Santa Fe River, in Segment Number 20.6.4.113 NMAC, from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	6.6 Standard Units (*2)	9 Standard Units (*2)	Daily	Instantaneous Grab

POLLUTANT	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	7-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	Report MGD	***	***	***	Daily	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day), Effluent	709 lbs/day (*2)	N/A	Report	10 mg/L (*2)	15 mg/L (*2)	N/A	Daily	24-Hr Composite (*7)
Carbonaceous Biochemical Oxygen Demand (5-day), Influent (*10)	***	***	***	***	Report (mg/L)	***	1/week	24-Hr Composite (*7)
Total Suspended Solids, Effluent	2127 lbs/day (*9)	N/A	Report	30 mg/l	45 mg/L	N/A	Daily	24-Hr Composite (*7)
Total Suspended Solids, Influent (*10)	***	***	***	***	Report (mg/L)	***	1/week (*10)	24-Hr Composite (*7)
Carbonaceous Biochemical Oxygen Demand (5-day) % removal, minimum	≥ 85%	---	---	---	---	---	1/Week	Calculation (*6)
Total Suspended Solids % removal, minimum	≥ 85%	---	---	---	---	---	1/Week	Calculation (*6)
<i>E. coli</i> Bacteria	31 billion cfu/day (*8)	N/A	N/A	126(*3)	N/A	410(*3)	Daily	Grab
Total Phosphorous	108 lbs/day	Report	N/A	3.1 mg/L	N/A	Report	3/Month	24-Hr Composite (*7)
Total Nitrogen (*11)	265 lbs/day	Report	N/A	6.9 mg/L	N/A	Report	3/Month	24-Hr Composite (*7)
Dissolved Oxygen	Report	N/A	N/A	Minimum 5 mg/L			Daily	Instantaneous Grab
Total Residual Chlorine	N/A	N/A	N/A	N/A	N/A	11 ug/L (*4)	Daily	Instantaneous Grab
Copper	3.28 lbs/day	3.28 lbs/day	N/A	6.02 ug/L	N/A	6.02 ug/L	Daily	Grab
Cyanide	0.56 lbs/day	0.56 lbs/day	N/A	5.2 ug/L	N/A	5.2 ug/L	Daily	Grab
Heptachlor	Report (lbs/day)	Report (lbs/day)	N/A	Report (ug/L)	N/A	Report (ug/L)	3/Month	Grab

Whole Effluent Toxicity Testing (Chronic Static Renewal/NOEC Freshwater)*5	VALUE	Measurement Frequency	Sample Type
<i>Ceriodaphnia dubia</i>	100%	Once/Quarter	24-hr Composite
<i>Pimephales promelas</i>	100%	Once/Quarter	24-hr Composite

Footnotes:

- *1 See Appendix A of Part II of the permit for minimum quantification limits.
- *2 Permit effluent limits are based on the EPA approved 2001 TMDLs developed for the Santa Fe River since they are more stringent than the technology-based limits.
- *3 Colony forming units (cfu) per 100 ml or Most Probable Number (MPN). The E. coli bacteria 30-day average is the geometric mean of the values for all effluent samples collected during a calendar month.
- *4 This facility uses a UV system to control bacteria. TRC shall be measured during periods when chlorine is used as either backup bacteria control, when disinfection of plant treatment equipment is required, or when chlorine is used for filamentous algae control. Regulations at 40 CFR Part 136 define “instantaneous grab” as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
- *5 Monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions. Grab samples are allowed per method, if needed.
- *6 Percent removal is calculated using the following equation: $[(\text{average monthly influent concentration} - \text{average monthly effluent concentration}) \div \text{average monthly influent concentration}] \times 100$.
- *7 24-hour composite sample consists of a minimum of twelve (12) effluent portions collected at equal time intervals over a 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
- *8 Permit mass loading limit is based on the EPA approved 2017 TMDL developed for the Santa Fe River. The loading limit shall be calculated as follows: $[\text{Flow in MGD} \times \text{cfu}/100 \text{ mL in effluent} \times 3.79 \times 10^7] / 1.0 \times 10^9$; Billion (1.0×10^9) cfu/day.
- *9 Permit effluent limits are based on the EPA approved 2000 TMDLs developed for the Santa Fe River since they are more stringent than the technology-based limits.
- *10 The facility will be required to monitor influent of BOD₅ and TSS on a once per week frequency for use to determine the removal percentage. The facility shall diligently maintain a log. The influent data is not required to be reported on NetDMR but must be kept at the facility and made available to EPA or its agents upon request.
- *11 Total Nitrogen is defined as the sum of Total Kjeldahl Nitrogen (as N) and Nitrate-Nitrite (as N).

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.

3. SAMPLING 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.

SECTION B. SCHEDULE OF COMPLIANCE

None

SECTION C - MONITORING AND REPORTING (MAJOR DISCHARGERS)

Permittee shall send a copy of discharge monitoring reports (DMRs), all other reports required in the permit, as well as a copy of application for permit renewal to New Mexico Environment Department at the mailing address listed in Part III of the permit.

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, per 40 CFR 127.16, 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, NetDMR Coordinator, (214) 665-6458. 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	Monthly
Biosolids/Sewage Sludge Report	Permit effective date	Annually for major permits
Pretreatment Program Reports	Permit effective date	Annually
Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices	Permit effective date	Monthly

3. If any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value exceeds the effluent limitations specified in Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.
4. Any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value reported in the required Discharge Monitoring Report which is exceeding 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 (BOD₅) or for five-day Carbonaceous Biochemical Oxygen Demand (CBOD₅), as applicable, where the permittee can demonstrate long-term correlation of the method with BOD₅ or CBOD₅ 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 Pretreatment Program reporting period is December 1st through November 30th of the following year. The annual public notification of Industrial Users in significant noncompliance publications shall be done by December 31st of the month immediately following the reporting period, and the Annual Report is due in the electronic NPDES eReporting Tool (NeT-PPR) no later than February 28th of each year.

D. OVERFLOW REPORTING

The Permittee shall report all overflow/bypass via the website 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).

Sewer overflow and bypass events that endanger health or the environment shall be reported via email to R6_NPDES_Reporting@epa.gov, and NMED Surface Water Quality Bureau at (505) 827-0187 or swq.reporting@env.nm.gov (email preferred) as soon as possible, but within 24 hours from the time the permittee becomes aware of the sewer overflow or bypass event. The permittee must also use NeT-SewerOverflow, which is available at: <https://cdx.epa.gov/>, to submit a Sewer Overflow/Bypass Event Report to EPA and NMED within 5 days of the time the permittee becomes aware of the sewer overflow or bypass event that endangers health or the environment. For all other sewer overflow or bypass events that do not endanger health or the environment, the permittee must file a Sewer Overflow/Bypass Event Report to EPA, using NeT-SewerOverflow, on or before the due date of the next DMR submission.

The permittee shall coordinate with downstream users and stakeholders to develop a communication procedure/plan to notify the public of any sewer overflows and bypass events. Permittees shall provide a copy of the developed communication procedure/plan to NMED.

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.

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PART II - OTHER CONDITIONS

A. MINIMUM QUANTIFICATION LEVEL (MQL) & SUFFICIENTLY SENSITIVE METHODS

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-O-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 (email accepted), Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas and concurrently to NMED Surface Water Quality Bureau at (505) 827-0187 or swq.reporting@env.nm.gov (email preferred) within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

E. coli
TRC
Copper
Cyanide

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 the New Mexico's Water Quality Standards for Interstate and Intrastate Streams are revised or new State of New Mexico Water Quality Standards are established and/or remanded by New Mexico Water Quality Control Commission.

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.

D. WHOLE EFFLUENT TOXICITY TESTING (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 of New Mexico 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 (%)	100%
EFFLUENT DILUTION SERIES (%)	32%, 42%, 56%, 75%, 100%
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	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. 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 WET limits, chemical specific effluent limits, additional testing, a Toxicity Reduction Evaluation, 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>Ceriodaphnia dubia</i>	<i>Pimephales promelas</i>
Test Duration	Until 60% or more of surviving control females have 3 broods (max 8 days)	7 days
# of replicates per concentration	10	5
# of organisms per replicate	1	8
# or organisms per concentration	10	40 (minimum)
# of test concentrations per effluent	5 and a control	5 and a control
Holding time *	36 hours for first use	36 hours for first use
Sampling Requirement *	Minimum of 3 samples	Minimum of 3 samples
Test Acceptability Criteria	≥80% survival of all control organisms.	≥80% survival of all control organisms.
	Average of 15 or 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.	
Coefficient of Variation **	40% or less, unless significant effects are exhibited.	40% or less unless significant effects are exhibited.
Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **	13 – 47	12 - 30

* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect

an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.

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

a. Statistical Interpretation

The statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in the appropriate method manual listed in Part II or the most recent update thereof.

b. Dilution Water

- 1) Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
 - i. toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - ii. toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- 2) If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - i. a synthetic dilution water control which fulfills the test acceptance requirements was run concurrently with the receiving water control;
 - ii. the test indicating receiving water toxicity has been carried out to completion,
 - iii. the permittee includes all test results indicating receiving water toxicity with the full report and information required; and
 - iv. the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

c. Samples and Composites

- 1) The permittee shall collect a minimum of three samples (flow-weighted composite if possible) from the outfall(s).

- 2) The permittee shall collect a second and third sample (composite samples if possible) for use during the 24-hour renewal of each dilution concentration for each test. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours for first use of the sample. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage. A holding time up to 72 hours 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 or NMED. 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	
	<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)	TQP3B	TQP6C

Coefficient of Variation		
(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	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”.	22419	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”.	51444	51443

4. MONITORING FREQUENCY REDUCTION

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for a test species, with no lethal or sub-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 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 demonstrate 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 or NMED.

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 (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 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.

6. 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 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.).
- 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 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.

d. 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.

- 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).

E. ADDITIONAL POLLUTANTS SCAN

The permittee shall submit test results of PFAS during the permit term to EPA, and NMED (via email) as follows:

Parameter	Test Result	Measurement Frequency ⁵	Sample Type
PFAS Analytes ¹ , effluent	Report ng/L ²	Once/6 Months	Grab
PFAS Analytes ¹ , influent	Report ng/L ²	Once/6 Months	Grab
PFAS Analytes ¹ , sewage sludge	Report ng/g ³	Once/6 Months	Grab ⁴

Footnote:

1. Listed in attached Appendix B of Part II.
2. 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.
3. Report 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.
4. 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-guidancedocument.pdf>.

5. PFAS Analysis data should be submitted to NMED at SWQ.Reporting@env.nm.gov (See Part III.D.4) 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/>.

F. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

1. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on December 20, 1984, and modified on March 1, 1994, September 26, 2006, and February 26, 2008. The permittee shall submit any necessary proposed modifications to the EPA. The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements.
 - (a) Industrial user (IU) information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times.
 - (b) The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial in accordance with 40 CFR 403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities.
 - (c) The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements.
 - (d) The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3 (v), this control shall be achieved through individual or general control mechanisms, in accordance with 40 CFR 403.8(f)(1)(iii). Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - (i) Statement of duration (not to exceed five years);
 - (ii) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (iii) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
 - (iv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge on accordance with §403.12(e)(2), or a specific waiver pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample

- type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;
- (v) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines ; and
 - (vi) Requirements to control slug discharges, if determined by the POTW to be necessary.
- (e) The permittee shall evaluate, whether each Significant Industrial User needs a plan or other action to control slug discharges, in accordance with 40 CFR 403.8(f)(2)(vi).
- (f) The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program.
- (g) The approved program shall not be modified by the permittee without the prior approval of the EPA.
2. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5 (a) and (b), as required by 40 CFR Part 403.5 (c). POTWs may develop Best Management Practices (BMPs) to implement paragraphs 40 CFR 403.5 (c)(1) and (c)(2). Such BMPs shall be considered local limits and Pretreatment Standards. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

The permittee shall, within **sixty (60) days** of the effective date of this permit, (1) submit a **WRITTEN CERTIFICATION** that a technical evaluation has been demonstrated that the existing technically based local limits (TBLL) are based on current state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, **OR** (2) submit a **WRITTEN NOTIFICATION** that a technical evaluation revising the current TBLL and a draft sewer use ordinance which incorporates such revisions will be submitted within **12 months** of the effective date of this permit.

All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

3. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least **once/12 months** and the toxic pollutants in Table III at least **once/3 months**. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least **once/3 months** on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. **Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. The samples shall be analyzed to a level at least as low as required in item (6) below.** Where composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24-hour period, shall be taken.

4. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW. The Pretreatment Program reporting period is December 1st through November 30th of the following year. The annual public notification of Industrial Users in significant noncompliance publications shall be done by December 31st of the month immediately following the reporting period.

In addition, no later than **February 28th of each year** the permittee shall submit an updated pretreatment program status report (Pretreatment Program Annual Report) to EPA and the State, electronically using the NPDES eReporting Tool (NeT-PPR) containing the following information:

- (a) An updated list of all significant industrial users and identify which Industrial Users are Non-Significant Categorical Industrial Users (NSCIUs) or Middle Tier CIUs. The list must also identify:
 - Industrial Users subject to categorical Pretreatment Standards that are subject to reduced monitoring and reporting requirements under 40 CFR 403.12(e)(2) & (3);
 - Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR part 414), Petroleum Refining (40 CFR part 419), and Pesticide Chemicals (40 CFR part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6);
 - Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5);
 - General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same, for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii); and,
 - Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403.12 (b), (e) and (h).

For each industrial user listed the following information shall be included:

- (i) Standard Industrial Classification (SIC) or NAISC code and categorical determination;
 - (ii) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the 12-month reporting period);
 - (iii) A summary of all monitoring activities performed within the 12-month reporting period. The following information shall be reported:
 - ✓ Total number of inspections performed;
 - ✓ Total number of sampling visits made.
 - (iv) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
 - ✓ Compliant (C) - no violations during the 12-month reporting period;
 - ✓ Non-compliant (NC) - one or more violations during the 12-month reporting period but does not meet the criteria for significantly noncompliant industrial users;
 - ✓ Significant Noncompliance (SNC) - in accordance with requirements described in 4. above; and,
 - (v) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained.
- (b) A list of all significant industrial users whose authorization to discharge was terminated or revoked during the 12-month reporting period and the reason for termination;
- (c) A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response;
- (d) The results of all influent and effluent analyses performed pursuant to Part II(A)(3) above;
- (e) A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;
- (f) The information requested may be submitted in tabular form as per the example tables provided for your convenience; and,
- (g) The monthly average water quality-based effluent concentration necessary to meet the state water quality standards as developed in the approved technically based local limits.

5. The permittee shall provide adequate notice of the following:

- (a) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants;

- (b) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and,
 - (c) Adequate notice shall include information on
 - (1) the quality and quantity of effluent to be introduced into the treatment works, and
 - (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.
6. All monitoring conducted in accordance with Part (II)(A)(3) above shall meet the Minimum Quantification Levels (MQLs) shown in Part (II) Appendix A

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