



REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0024899

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"),

Town of Red River
P.O. Box 1020
HWY 38, Mile Marker 10
Red River, NM 87558

is authorized to discharge to receiving waters named Red River, in Waterbody Segment Code No. 20.6.4.122, from a facility located at mile marker 10 on Highway 38, Red River, Taos County, New Mexico.

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

Outfall 001: Latitude 36° 42' 39" North, Longitude 105° 26' 46" West

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

This permit shall become effective on

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

Issued on

Prepared by

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Jim Afghani
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Permits Section (6WQ-PP)

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PART I – REQUIREMENTS FOR NPDES PERMITS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Effluent Limits – 0.9 MGD Facility Design Flow

During the period beginning the effective date and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated municipal wastewater to the Red River, in Segment Number 20.6.4.122, from Outfall 001. Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS				
		Standard Units							
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM				MEASUREMENT FREQUENCY	SAMPLE TYPE	
pH	00400	6.6	8.8				Five/Week	Grab	
EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
		lbs/day, unless noted			mg/l, unless noted (*1)				
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	Report MGD	***	***	***	Continuous	Totalizing Meter
Biological Oxygen Demand, 5-day (BOD ₅)	80082	157.7	N/A	236.6	30	N/A	45	Three/Month	6-Hour Composite (*11)
BOD ₅ minimum % removal	≥85%	N/A	N/A	N/A	N/A	N/A	N/A	Three/Month	Calculation (*7)
Total Suspended Solids (TSS)	00530	157.7	N/A	236.6	30	N/A	45	Three/Month	6-Hour Composite (*11)
TSS minimum % removal	≥85%	N/A	N/A	N/A	N/A	N/A	N/A	Three/Month	Calculation (*7)
E. Coli Bacteria (*2)	51040	N/A	N/A	N/A	126 (*2) cfu/100 ml	235 (*2) cfu/100 ml	N/A	Three/Month	Grab
Total Residual Chlorine	50060	N/A	N/A	N/A	N/A	11 ug/l (*3)	N/A	Daily	Instantaneous Grab (*3)
Total Nitrogen	00600	N/A	N/A	N/A	Report	Report	N/A	Three/Month	Grab
Total Phosphorus	00650	N/A	N/A	N/A	Report	Report	N/A	Three/Month	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (7-Day Chronic Static renewal) (*4)	30-DAY AVG MINIMUM	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Report	Once/Quarter (*8)	24-Hr Composite
Pimephales promelas	Report	Report	Once/Quarter (*9,10)	24-Hr Composite
EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
POLLUTANT	mg/l, unless noted (*1)		MEASUREMENT FREQUENCY	SAMPLE TYPE
Expanded Effluent Testing (*5)	Report		1 each in 2 nd , 3 rd , & 4 th years of the permit (*5)	24-Hr Composite (*6)

Footnotes:

- *1 See **Appendix A of Part II** of the permit for minimum quantification limits.
- *2 Colony forming units (cfu) per 100 ml. Bacteria reporting units must be either cfu/100 mL or most probable number (mpn).
- *3 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 used for filamentaceous 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.
- *4 Monitoring and reporting requirements begin on the effective date of this permit. See PART II, Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.
- *5 See NPDES Permit Application Form 2A; Tables A.12, B.6, and Part D for the list of pollutants to include in this testing. Samples are to be taken on the same day as the WET test event for that year. The permittee shall report the results as a separate attachment in tabular form sent to the Permits and Technical Assistance Section Chief of the Water Quality Protection Division within 60 days of receipt of the lab analysis.
- *6 Except for bacteria, pH, TRC, DO and sulfite, which are grab samples.
- *7 Percent removal is calculated using the following equation:

$$[\text{average monthly influent concentration (mg/l)} - \text{average monthly effluent concentration (mg/l)}] \div [\text{average monthly influent concentration (mg/l)}] \times 100.$$
- *8. If all first year (4 test) results pass, then monitoring frequency is reduced to once per six months for years 2 thru 5, the discharge shall be tested at least once in a 6-month period. If any test fails, then frequency returns to 1/quarter for the rest of the permit term.
- *9. If all 1st year (4 test) results pass, then monitoring frequency is reduced to once per year, the discharge shall be tested at least 6 months apart. If a test frequency is 1x/year or less, the test should occur in winter or springtime when most sensitive juvenile life forms are likely to be present in receiving water and colder ambient temperatures might adversely affect treatment processes. This will generally be defined as between November 1 and April 30.
- *10. The monitoring frequency for both test species (Cer. dubia & Pim. promelas) shall revert to once per three months on the last day of the permit term.
- *11. Instead of 3-hr composite, BOD₅ and TSS will be 6-hour composite as listed in previous permit/fact sheet to coincide with the State of New Mexico Ground Water Quality Bureau discharge permit requirements.

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 or the shoreline. Also, samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge after the final treatment unit and prior to the receiving stream. Any addition of pre-coagulant generated solids to the effluent shall be added upstream of the sample point.

B. SCHEDULE OF COMPLIANCE

None

C. MONITORING AND REPORTING (MAJOR DISCHARGERS)

The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.

Monitoring results must be reported to EPA electronically. To submit electronically, access the NetDMR website at www.epa.gov/netdmr, and contact the R6NetDMR@epa.gov in-box for further instructions.

1. Reporting periods shall end on the last day of the month.
2. The permittee is required to submit regular monthly reports as described above no later than the 15th day of the month following each reporting period.
3. The annual sludge report required in part IV of the permit is due on February 19 of each year and covers the previous calendar year from January 1 through December 31.
4. NO DISCHARGE REPORTING: If there are no discharges at outfall 001 during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.
5. If any 30-day average 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.
6. Any 30-day average value reported in the required Discharge Monitoring Report which is in excess of the effluent limitation specified in Part I.A shall constitute evidence of violation of such effluent limitation and of this permit.
7. Other measurements of oxygen demand (e.g., TOC and COD) may be substituted for the five day Biochemical Oxygen Demand (BOD₅), or for the five-day Carbonaceous

8. 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.
9. The permittee shall submit a copy of an annual summary of the data that results from WET testing to the following agencies:

Field Supervisor
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87113

EPA:
Compliance Assurance and Enforcement Division
Water Enforcement Branch (6EN-W)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico:
Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
1190 Saint Francis Drive
Santa Fe, NM 87502-5469

D. CONTRIBUTING INDUSTRIES

The following pollutants may not be introduced into the treatment facility:

1. 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;
2. 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;

3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
4. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. 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
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

E. OVERFLOW REPORTING

The permittee shall report all overflows with the DMR submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: date, time, duration, location, estimated volume, and cause of the overflow. They shall also include observed environmental impacts from the overflow; actions taken to address the overflow; and, the ultimate discharge location if not contained (e.g., storm sewer system, ditch, and tributary).

Overflows that endanger health or the environment shall be orally reported to EPA at (214) 665-6595 and NMED Surface Water Quality Bureau at (505) 827-0187, 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 NMED Surface Water Quality Bureau within 5 days of the time the permittee becomes aware of the circumstance.

F. 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 maintain a written report on site summarizing such activities per Part III of the permit. The following items shall be considered in the program:

- The influent loadings, flow and design capacity;

- The effluent quality and plant performance;
- The age and expected life of the wastewater treatment facility's equipment;
- Bypasses and overflows of the tributary sewerage system and treatment works;
- New developments at the facility;
- Operator certification and training plans and status;
- The financial status of the facility;
- Preventative maintenance programs and equipment conditions and;
- An overall evaluation of conditions at the facility.

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 to the listed MQL. If any individual analytical test result is less than the MQL listed, a value of zero (0) may be used for that pollutant result for the Discharge Monitoring Report (DMR) 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 Bacteria, TRC

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 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.

In accordance with 40 CFR Part 122.62(s)(2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

D. 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 (%):	17%
EFFLUENT DILUTION SERIES (%):	7, 10, 13, 17, 23%

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

Pimephales promelas chronic static renewal 7-day larval survival and growth test, Method 1000.0, using EPA 821 R 02 013, or the latest 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.

Ceriodaphnia dubia chronic static renewal 7-day survival and reproduction test, method 1002.0, using EPA 821 R 02 013, or the latest 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.

- b. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which no significant effect is demonstrated. The Lowest Observed Effect Concentration (LOEC) is defined as the lowest effluent dilution at which a significant effect is demonstrated. Significant effect is herein defined as statistically significant difference at the 95% confidence level between the survival, reproduction, or growth of the test organism(s) in a specified effluent dilution compared to the survival, reproduction, or growth of the test organism(s) in the control (0% effluent).
- 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.
- d. Test failure is defined as a demonstration of statistically significant lethal and/or sub-lethal effects to a test species at or below the effluent critical dilution.

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:

- i. Each toxicity test control (0% effluent) must have a survival equal to or greater than 80%.

- ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- iii. Sixty (60%) of the surviving control females must produce three broods.
- iv. The mean dry weight of surviving Pimephales promelas larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- v. 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.
- vi. 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.
- vii. A PMSD range of 13-47 for Ceriodaphnia dubia reproduction;
- viii. 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 Pimephales promelas larval survival and growth test and the Ceriodaphnia dubia reproduction test, the statistical analyses used to determine if there is a statistically 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 an NOEC of not less than the critical dilution for the reporting requirements found in Item 3 below.

c. Dilution Water

i. 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;

(A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

(B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of in stream 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) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;

(B) the test indicating receiving water toxicity has been carried out to completion (i.e., 48 hours);

(C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and

(D) 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

i. The permittee shall collect a minimum of three flow weighted composite samples from the outfall(s) listed at Item 1.a above.

- ii. The permittee shall collect a second and third composite sample for use during the 24 hour renewal of each dilution concentration for both tests. The permittee must collect the composite 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 composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- iii. The permittee must collect the composite 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.
- iv. 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 composite 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. 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.

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 EPA 821 R 02 013, 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 bio-monitoring data for each species is to be recorded for each reporting period. The data submitted should reflect the LOWEST lethal and/or sub-lethal 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 report the following results of each valid toxicity test. Submit retest information, if required, clearly marked as such. Only results of valid tests are to be reported.
- i. Ceriodaphnia dubia (Water flea)
- (A) 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. TLP3B.
 - (B) Report the NOEC value for survival, Parameter No. TOP3B.
 - (C) Report the LOEC value for survival, Parameter No. TXP3B
 - (D) Report the NOEC value for reproduction, Parameter No. TPP3B
 - (E) Report the LOEC value for reproduction, Parameter No. TYP3B
 - (F) If the NOEC for reproduction is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP3B.
 - (G) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.
- ii. Pimephales promelas (Fathead Minnow)
- (A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C.
 - (B) Report the NOEC value for survival, Parameter No. TOP6C.
 - (C) Report the LOEC value for survival, Parameter No. TXP6C
 - (D) Report the NOEC value for growth, Parameter No. TPP6C
 - (E) Report the LOEC value for growth, Parameter No. TYP6C
 - (F) If the NOEC for growth is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP6C.
 - (G) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6C.
- d. If retests are required, enter the following codes:
- i. For retest number 1, Parameter 22415, enter a "1" if the NOEC for survival, reproduction and/or growth is less than the critical dilution; otherwise, enter a "0."
- ii. For retest number 2, Parameter 22416, enter a "1" if the NOEC for survival, reproduction and/or growth is less than the critical dilution; otherwise, enter a "0."

- iii. For retest number 3, Parameter 51443, enter a “1” if the NOEC for survival, reproduction and/or growth is less than the critical dilution; otherwise, enter a “0.”

4. PERSISTENT TOXICITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. Significant toxic effects, are herein defined as a statistically significant difference at the 95% confidence level between the survival, growth or reproduction of the appropriate test organism in a specified effluent dilution and the control (0% effluent). If the initial WET test conducted fails, the permittee will conduct three retest. 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. Part I Testing Frequency Other than Monthly

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 procedures outlines in Item 3 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.

- b. If persistent lethality is demonstrated by failure of one or more retest, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section. If persistent sub-lethality is demonstrated by failure of two or more retest, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements. The permittee shall notify EPA in writing within 5 days 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 lethal effects at or below the critical dilution, or for failure to perform the required retests. The provisions of Item 4.a are suspended upon submittal of the TRE Action Plan.

5. TOXICITY REDUCTION EVALUATION (TRE)
 - 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. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation 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:
 - i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures 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.
 - ii. 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;
- iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - iv. 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, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
- i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - iii. 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.
- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation 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 Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.
- 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).