



REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0028851

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"),

Central New Mexico Correctional Facility
1525 Morris Road
Los Lunas, NM 87031

is authorized to discharge to receiving waters named Los Chaves Drain thence to the Middle Rio Grande Basin in Waterbody Segment Code No. 20.6.4.105, from a facility located at 1525 Morris Road, in the City of Los Lunas, in Valencia County, New Mexico.

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

Outfall 001: Latitude 34° 46' 50" North and Longitude 106° 46' 15" 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 supersedes and replaces NPDES Permit No. NM0028851 issued

This permit shall become effective on

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

Issued on

Prepared by

Miguel I. Flores
Division Director
Water Quality Protection Division (6WQ)

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PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. INTERIM Effluent Limits – 0.285 MGD Design Flow

During the period beginning the effective date of the permit and lasting three year after the effective date of the permit (unless otherwise noted), the permittee is authorized to discharge treated municipal wastewater to the Los Chaves Drain thence to the Middle Rio Grande, in Segment Number 20.6.4.105, from Outfall 001. Such discharges 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	9.0	Daily	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
		lbs/day, unless noted			mg/L, unless noted (*6)				
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	N/A	N/A	N/A	Daily	Totalizing Meter
Biochemical Oxygen Demand, 5-day	00310	71.3	N/A	107	30	N/A	45	Two/Month (*1)	Grab
Total Suspended Solids	00530	71.3	N/A	107	30	N/A	45	Two/Month (*1)	Grab
<i>E. coli</i> Bacteria	51040	1.36x10 ⁹ (*5)	1.36x10 ⁹ (*5)	N/A	126 (*2)	126 (*2)	N/A	Two/Month (*1)	Grab
Total Residual Chlorine	50060	N/A	N/A	N/A	N/A	19 µg/l	N/A	Daily	Instantaneous Grab (*4)
Temperature, as °C (*7)		Report °C	Report °C	Report °C	N/A	N/A	N/A	Daily	Totalizing Meter
Ammonia, Total, as N	00610	Report	Report	N/A	Report	Report	N/A	Weekly (*8)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
	30-DAY AVG MINIMUM	48-HR MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY (7 Day Static Renewal) (*3)				
<i>Ceriodaphnia dubia</i>	Report	Report	Once/6 months (*8)	24-Hr Composite
<i>Pimephales promelas</i>	Report	Report	Once/6 months (*8)	24-Hr Composite

Footnotes:

- *1 Sampling at least two weeks apart.
- *2 Colony forming units (cfu) per 100 ml.
- *3 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.
- *4 The effluent limitation for TRC is the instantaneous maximum grab and can not be averaged for reporting purposes. Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15 minutes of sampling.
- *5 Conversion factor to determine loading limit is $3.79 \times 10^7 \times \text{Flow in MGD} \times \text{cfu}/100 \text{ ml in effluent}$
- *6 See Part II, Section A. Minimum Quantification Level (MQL) of permit.
- *7 Monitoring to take place only during the warmer months of April to September for the life of this permit cycle.
- *8 Ammonia samples must be taken and analyzed concurrently when acquiring and analyzing WET samples. This ammonia sample may be reported in lieu of the weekly monitoring requirement for ammonia.

2. FINAL Effluent Limits – 0.285 MGD Design Flow

During the period beginning three years after 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 municipal wastewater to the Los Chaves Drain thence to the Middle Rio Grande, in Segment Number 20.6.4.105, from Outfall 001. Such discharges 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	9.0	Daily	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
		lbs/day, unless noted			mg/L, unless noted (*6)				
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	N/A	N/A	N/A	Daily	Totalizing Meter
Biochemical Oxygen Demand, 5-day	00310	71.3	N/A	107	30	N/A	45	Two/Month (*1)	Grab
Total Suspended Solids	00530	71.3	N/A	107	30	N/A	45	Two/Month (*1)	Grab
<i>E. coli</i> Bacteria	51040	1.36x10 ⁹ (*5)	1.36x10 ⁹ (*5)	N/A	126 (*2)	126 (*2)	N/A	Two/Month (*1)	Grab
Total Residual Chlorine	50060	N/A	N/A	N/A	N/A	19 µg/l	N/A	Daily	Instantaneous Grab (*4)
Temperature, as °C (*7)		Report °C	Report °C	Report °C	N/A	N/A	N/A	Daily	Totalizing Meter
Ammonia, Total, as N	00610	Report	Report	N/A	Report	Report	N/A	Weekly (*8)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
	30-DAY AVG MINIMUM	48-HR MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY (PCS 22414) (7 Day NOEC) (*3)	16%	16%		
<i>Ceriodaphnia dubia</i>	Report	Report	Once/6 months (*8)	24-Hr Composite
<i>Pimephales promelas</i>	Report	Report	Once/6 months (*8)	24-Hr Composite

Footnotes:

- *1 Sampling at least two weeks apart.
- *2 Colony forming units (cfu) per 100 ml.
- *3 Monitoring and reporting requirements begin on the effective date of this permit. Compliance with the Whole Effluent Toxicity limitations is required 3 years after the proposed permit is made effective. See PART I, Compliance Schedules, and PART II, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions.
- *4 The effluent limitation for TRC is the instantaneous maximum grab and can not be averaged for reporting purposes. Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15 minutes of sampling.
- *5 Conversion factor to determine loading limit is $3.79 \times 10^7 \times \text{Flow in MGD} \times \text{cfu}/100 \text{ ml in effluent}$
- *6 See Part II, Section A, Minimum Quantification Level (MQL) of permit.
- *7 Monitoring to take place only during the warmer months of April to September for the life of this permit cycle.
- *8 Ammonia samples must be taken and analyzed concurrently when acquiring and analyzing WET samples. This ammonia sample may be reported in lieu of the weekly monitoring requirement for ammonia.

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.

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.

B. SCHEDULE OF COMPLIANCE

The permittee shall comply with the following schedule of activities for the attainment of Whole Effluent Toxicity.

- a. Determine exceedance cause(s);
- b. Develop control options, if needed;
- c. Evaluate and select control mechanisms;
- d. Implement corrective action; and
- e. Attain final effluent limitations no later than three (3) years after the permit effective date.

The permittee shall submit quarterly progress reports to EPA, in accordance with the following schedule. The requirement to submit quarterly progress reports shall expire three (3) years after the permit effective date. No later than three (3) years after the permit effective date or 15 days after compliance has been achieved, whichever occurs first, the permittee shall submit a written final report to EPA, stating that compliance has been completed. If at any time during the compliance period the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to EPA and the State stating the explanation for this delay and proposed remedial actions.

PROGRESS REPORT DATES

January 1
April 1
July 1
October 1

Send progress and final reports to the following address:

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

And

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

C. MONITORING AND REPORTING (MINOR DISCHARGERS)

Monitoring information shall be on Discharge Monitoring Report Form(s) EPA 3320-1 as specified in Part III.D.4 of this permit and shall be submitted quarterly. Each quarterly submittal shall include separate forms for each month of the reporting period.

1. Reporting periods shall end on the last day of the months March, June, September, and December.
2. The permittee is required to submit regular quarterly reports as described above postmarked no later than the 28th day of the month following each reporting period.
3. If any 7-day average or daily maximum value exceeds the effluent limitations specified in Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.
4. Any 30-day average, 7-day average, or daily maximum 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.
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 permittee shall report all overflows with the Discharge Monitoring Report submittal. 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). Any noncompliance which may endanger health or the environment shall also be orally reported to the New Mexico Environment Department at (505) 827-0187, as soon as possible, but within 12 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment shall be provided to EPA and New Mexico Environment Department within 5 days of the time the permittee becomes aware of the circumstance.
7. The permittee shall submit a copy of an annual summary of the data that results from whole effluent toxicity testing to:

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

And

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

And

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. 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, 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 12 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.

E. POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute a program within 12 months of the effective date of the permit (or continue an existing one) directed towards optimizing the efficiency and extending the useful life of the facility. The permittee shall consider the following items in the program:

- a. The influent loadings, flow and design capacity;
- b. The effluent quality and plant performance;
- c. The age and expected life of the wastewater treatment facility's equipment;
- d. Bypasses and overflows of the tributary sewerage system and treatment works;
- e. New developments at the facility;
- f. Operator certification and training plans and status;
- g. The financial status of the facility;
- h. Preventative maintenance programs and equipment conditions and;
- i. An overall evaluation of conditions at the facility.

PART II - OTHER CONDITIONS**A. MINIMUM QUANTIFICATION LEVEL (MQL)**

See list of MQL's at Appendix A of Part II below. For pollutants listed on Appendix A of Part II below with MQL's, analyses must 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) calculations and reporting requirements.

In addition, any additional pollutant sampling for purposes of this permit, including renewal applications or any other reporting, shall be tested to the MQL shown on the attached Appendix A of Part II. Results of analyses that are less than the listed MQL maybe reported as "non detect" (ND).

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
Total Ammonia
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 LIMITS (7-DAY CHRONIC NOEC FRESHWATER)

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority.

1. SCOPE AND METHODOLOGY

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S): 001

REPORTED ON DMR AS FINAL OUTFALL: 001

CRITICAL DILUTION (%): 16%

EFFLUENT DILUTION SERIES (%): 7%, 9%, 12%, 16%, 21%.

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or

reproduction) at test completion to a test species at or below the critical dilution.

- c. The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the lethal or sub-lethal endpoint at or below the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period. The purpose of additional tests (also referred to as 'retests' or confirmation tests) 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.
- d. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- i. The toxicity test control (0% effluent) must have 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. 60% of the surviving control females must produce three broods.
- iv. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- 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 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 in the Fathead minnow test.
- vii. A Percent Minimum Significant Difference (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

- i. 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.
- ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.
- iii. If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

c. Dilution Water

- 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 where the receiving stream is classified as intermittent or where the receiving stream has no flow due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - (A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a was run concurrently with the receiving water control;
 - (B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
 - (C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3.a 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 second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. 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.

- iii. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 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.
- 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 if the discharge occurs over multiple 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.
- v. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in Item 1.a above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports upon the specific request of the Agency. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.

- b. The permittee shall report the Whole Effluent Toxicity values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with PART III.D.4 of this permit.

If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.

If more than one species is tested during the reporting period, the permittee shall report the lowest 30-Day Average Minimum NOEC and the lowest 7-Day Minimum NOEC for Whole Effluent Toxicity.

A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for EPA review.

- c. The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with PART III.D.4 of this permit, 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.
- i. *Pimephales promelas* (Fathead Minnow)
 - A. If the No Observed Effect Concentration (NOEC) for lethal effects 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 Lowest Observed Effect Concentration (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 No Observed Effect Concentration (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
- ii. *Ceriodaphnia dubia*
 - A. If the NOEC for lethal effects 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 No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B
 - G. Report the higher (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B

4. MONITORING FREQUENCY REDUCTION

This section does not apply to any species for which the permit establishes whole effluent toxicity (WET) limits. For the first five years after the effective date of a WET limit, the minimum monitoring frequency for the affected species is once per quarter.

- 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 Fathead minnow) and not less than twice per year for the more sensitive test species (usually the *Ceriodaphnia dubia*).

- b. **CERTIFICATION** - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a. above. In addition the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects and the maximum coefficient of variation for the controls. 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 Permit Compliance System section to update the permit reporting requirements.
- c. **SUB-LETHAL OR SURVIVAL FAILURES** - If any test fails the survival or sub-lethal endpoint at any time during the life of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.
- 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.

Any monitoring frequency reduction granted 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.