



REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0030139

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"),

State of New Mexico Department of Game & Fish
Los Ojos State Trout Hatchery
P.O. Box 25112
Santa Fe, NM 87508

is authorized to discharge from a facility located at Hatchery Road #1, approximately 2-miles south of Los Ojos, in Rio Arriba County, NM, to receiving waters named Rio Chama, in Segment No. 20.6.4.119 of the Rio Grande Basin,

the discharges are located on that water at the following coordinates:

Outfall 001 - Latitude 36° 43' 9.1" North, Longitude 106° 34' 39.2" West
Outfall 002 - Latitude 36° 43' 02.13" North, Longitude 106° 34' 36.01" West

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

This permit supersedes and replaces NPDES Permit No. NM0030139 issued July 11, 2006.

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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DOCUMENT ABBREVIATIONS

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

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publically owned treatment works
RP	Reasonable potential
SS	Settleable solids
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

PART I – REQUIREMENTS FOR NPDES PERMITS**SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS**

1. FINAL Effluent Limits – Variable flow – Outfalls 001 and 002

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated wastewater to either Upper Laguna del Campo and/or Laguna del Campo, thence to the La Puente Irrigation Ditch, thence to the Rio Chama in Segment 20.6.4.119 of the Rio Grande Basin, from Outfalls 001 and 002 (See Part II). Such discharges shall be limited and monitored by the permittee and reported as Outfall 001, as specified below.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units		MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT	MINIMUM	MAXIMUM		
pH	6.6	8.8	2/Month	Flow Composite (*2)

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted (*1)		MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX		
Flow	Report MGD	Report MGD	***	***	Once/Day	Weir collection system Total Flow (*4)
Total Suspended Solids	Report	Report	10	15	2/Month	Sediment Grab (*3)
Settleable Solids	N/A	N/A	0.1 ml/l	0.5 ml/l	2/Month	Sediment Grab (*3)
E. coli bacteria (*6)	N/A	Report	Report	Report	2/Month	Flow Composite (*2)
E. coli bacteria (*7)	N/A	13.5 (*5)	126 cfu/100 ml	235 cfu/100 ml	2/Month	Flow Composite (*2)
Nitrogen, Total (*8)	Report	Report	Report	Report	1/Month	Flow Composite (*2)
Nitrogen, Total, Interim (*9)	70.6	Report	3.0	4.5	2/Month	Flow Composite (*2)
Nitrogen, Total, Final (*10)	5.88	Report	0.25	0.375	2/Month	Flow Composite (*2)
Phosphorus, Total (*8)	Report	Report	Report	Report	1/Month	Flow Composite (*2)
Phosphorus, Total, Interim (*9)	5.66	Report	0.24	0.36	2/Month	Flow Composite (*2)
Phosphorus, Total, Final (*10)	1.65	Report	0.07	0.105	2/Month	Flow Composite (*2)

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (7-Day NOEC) (*11)	30-DAY AVG	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Report	Once/Term (*12, 13)	Flow Composite (*2)
Pimephales promelas	Report	Report	Once/Term (*12, 13)	Flow Composite (*2)

Footnotes:

- *1 See **Appendix A of Part II** of the permit for minimum quantification limits.
- *2 Flow Composite: Obtain a grab aliquot and record the flow from each outfall. Make a composite sample by mixing each individual outfall's aliquot in proportion to the flow from each to the sum of the total flow. In the event during a reporting period that discharge is only from one outfall, submit a grab sample from the discharging outfall and note on the discharge monitoring form which outfall is discharging."
- *3 Sediment Grab: Obtain a grab aliquot and record the flow from each outfall during periods of raceway cleaning. After both outfalls have been sampled and flows recorded, make a composite sample by mixing each individual outfall's aliquot in proportion to the flow from each outfall to the sum of the total flow. In the event during a reporting period that discharge from either outfall is not associated with a cleaning event submit a grab sample from the discharging outfall and note on the discharge monitoring form which outfall is discharging.
- *4 Flow shall be recorded from each outfall by measuring flow over the weir. The flow from each outfall shall be totaled, and reported on the discharge monitoring report.
- *5 Billion (1.0×10^9) cfu/day. Loading limit calculated as follows; [Flow in MGD \times 126 cfu/100 ml \times 3.79×10^7]
- *6 Requirements for E. coli bacteria are effective during the period beginning the effective date of the permit and lasting through one (1) year after the permit effective date.
- *7 Requirements for E. coli bacteria limits are effective during the period beginning one (1) year after the permit effective date and lasting until the permit expiration date.
- *8 Requirements for total nitrogen and total phosphorus are effective during the period beginning the effective date of the permit and lasting through one (1) day prior to the expiration date of the permit.
- *9 Requirements for interim total nitrogen and total phosphorus limits are effective during the period beginning on the last day of the permit and lasting through one (1) day prior to ten (10) years after this permits effective date.
- *10 Monitoring and reporting requirements for final total nitrogen and total phosphorus limits begin on ten (10) years after the effective date of the permit.
- *11 Whole effluent toxicity testing shall be sampled during the first discharge after the permit effective date. See Part II, Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.
- *12 Once per permit term. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any. (See Part II, Section C)
- *13 Sampling for the whole effluent toxicity test shall occur between April 1 and June 30.

2. FINAL Effluent Limits – Outfall 01B – Special Testing - Non FDA Approved Drugs, Medications and/or Chemicals

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge wastewater containing either non-approved Food and Drug Administration drugs, medications or chemicals (DMC), or DMC used in a manner not consistent with FDA approval, to either Upper Laguna del Campo and/or Laguna del Campo, thence to the La Puente Irrigation Ditch, thence to the Rio Chama in Segment 20.6.4.119 of the Rio Grande Basin, from Outfalls 001 and 002 (See Part II). Such discharges shall be limited and monitored by the permittee and reported as Outfall 01B, as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	***	***	Daily	Weir collection system (*1)

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
WHOLE EFFLUENT TOXICITY TESTING (7-Day Static Renewal) (See Part II, Section C)	30-DAY AVG	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Report	Once/Use (*2, 3)	Grab (*4)
Pimephales promelas	Report	Report	Once/Use (*2, 3)	Grab (*4)

Footnotes:

- *1 The flow shall be from only the outfall associated with the DMC use. Flow is NOT to be composited with the other outfalls.
- *2 Once per use is defined as one WET test for each continuous use of the DMC. For long-term use of these DMC, only one WET test shall be required on the maximum dose of the treatment, unless that maximum dose is later increased by 20 percent. At that point, and any later increases above 20 percent, then additional WET tests will be required.
- *3 Once per use. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any. See Part II.
- *4 Single grab sample shall be taken approximately 30-minutes after the expected time of arrival of the treated water has passed through the outfall. The expected time of arrival can be determined by direct observation by the use of a floatable marker such as wooden blocks.

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. The sample point shall be clearly marked by the facility if it is not at the final outfall location. There shall be no flow from any source into the piping system after the sample point and prior to the final outfall.

B. SCHEDULES OF COMPLIANCE**1. E. coli Bacteria**

The permittee shall comply with the following schedule of activities for the attainment of state water quality standards-based interim effluent limitations for E. coli bacteria, at Final Outfall 001.

- a. Develop control options, if needed;
- b. Evaluate and select control mechanisms;
- c. Implement corrective action; and
- d. Attain interim effluent limitations no later than one (1) year from the permit effective date (PED).

The permittee shall submit quarterly progress reports, to both EPA and NMED, in accordance with the following schedule. The requirement to submit quarterly progress reports shall expire one (1) year from the PED. No later than 14-days after the date compliance with the **E. coli bacteria limits** have been met; the permittee shall submit a written final report both to EPA and the State, stating that compliance has been completed. If at any time during the one (1) year compliance period the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to both EPA and the State stating the explanation for this delay and proposed remedial actions.

2. INTERIM Total Nitrogen and Phosphorus

The permittee shall comply with the following schedule of activities for the attainment of state water quality standards-based interim effluent limitations for total nitrogen and phosphorus, at Final Outfall 001.

- a. Determine exceedance cause(s);
- b. Develop control options, if needed;
- c. Evaluate and select control mechanisms;

- d. Implement corrective action; and
- e. Attain interim effluent limitations no later than five (5) years from the PED.

The permittee shall submit quarterly progress reports, to both EPA and NMED, in accordance with the following schedule. The requirement to submit quarterly progress reports shall expire five (5) years from the PED. No later than 14-days after the date compliance with the **total nitrogen and phosphorus interim limits** have been met; the permittee shall submit a written final report both to EPA and the State, stating that compliance has been completed. If at any time during the five (5) year compliance period the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to both EPA and the State stating the explanation for this delay and proposed remedial actions.

3. **FINAL Total Nitrogen and Phosphorus**

The permittee shall comply with the following schedule of activities for the attainment of state water quality standards-based interim effluent limitations for total nitrogen and phosphorus, at Final Outfall 001.

- a. Determine exceedance cause(s);
- b. Develop control options, if needed;
- c. Evaluate and select control mechanisms;
- d. Implement corrective action; and
- e. Attain interim effluent limitations no later than ten (10) years from the PED.

The permittee shall submit quarterly progress reports, to both EPA and NMED, in accordance with the following schedule. The requirement to submit quarterly progress reports shall expire ten (10) years from the PED. No later than 14-days after the date compliance with the **total nitrogen and phosphorus final limits** have been met; the permittee shall submit a written final report both to EPA and the State, stating that compliance has been completed. If at any time during the ten (10) year compliance period the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to both EPA and the State stating the explanation for this delay and proposed remedial actions.

4. **Compliance Progress Reporting – ALL Schedules**

All of the compliance schedules shown above; E. coli bacteria, interim and final total nitrogen and phosphorus, shall report progress reports according to the following schedule:

PROGRESS REPORT DATES

- January 1
- April 1
- July 1
- October 1

Send all compliance report schedule progress and final reports to the following addresses:

EPA:
Compliance Assurance and
Enforcement Division
Water Enforcement Branch (6EN-W)
U.S. EPA, 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

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. NO DISCHARGE REPORTING

If there is no discharge at Outfall 001 during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

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.

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR §136. For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to the EPA Region 6 NPDES Permits Branch (6WQ-P) a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific MQL shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

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.

NONE

C. PERMIT MODIFICATION AND REOPENER

In accordance with [40 CFR Part 122.44(d)], the permit may be reopened and modified during the life of the permit if relevant portions of New Mexico's Water Quality Standards for Interstate and Intrastate Streams are revised, or new State water quality standards are established and/or remanded by the New Mexico Water Quality Control Commission.

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 (7 DAY CHRONIC NOEC FRESHWATER)

1. SCOPE AND METHODOLOGY

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

APPLICABLE TO FINAL OUTFALL(S):	001
REPORTED ON DMR AS FINAL OUTFALL:	001
EFFLUENT DILUTION SERIES:	10%, 14%, 18%, 24%, and 32%
CRITICAL DILUTION:	24%
EFFLUENT DILUTION SERIES:	75%
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.
- e. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

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. 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.
- iv. 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.
- v. 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

- 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 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 instream toxicity (fails to fulfill the test acceptance criteria of Item 3.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., 7 days);
 - (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 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 4 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 4 of this section.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/821/R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports upon the specific request of the Agency. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- b. A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST survival 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 each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information, if required, 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 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 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 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 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

d. If retests are required by EPA, enter the following codes on the DMR for retests only:

- i. For retest number 1, Parameter 22415, enter a 1 if the NOEC for survival 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 is less than the critical dilution; otherwise, enter a 0.

E. DRUGS, MEDICATIONS and CHEMICALS, (EXCLUDING CHLORINE)

Anytime drugs, medications and chemicals (DMC), at either concentrations and/or uses not approved by the Food and Drug Administration (FDA), are used either in amounts or a manner that it would allow it to enter the receiving stream; the Department of Game and Fish (DGF) shall notify both EPA and NMED of its impending use. Notification to NMED shall be by phone within one business day of its decision to use the DMC, and to EPA within three days. Written notification shall also be to both EPA and NMED, in writing no less than five-business days later. Both notifications shall provide the name of the DMC, its amount, concentration of use and reason for its use, along with the expected date and time of its use, and expected duration of use.

Anytime the Department of Game and Fish (DGF) uses drugs, medications and chemicals (DMC), at either amounts and/or uses not approved by the Food and Drug Administration (FDA), such that it would allow it to enter the receiving stream, DGF shall conduct Whole Effluent Toxicity (WET) tests. The testing shall be reported on the discharge monitoring report (DMR) and reported as Outfall 01B. On the DMR, report in the comment section the date, time duration and the name of the DMC used. Also note the date of the letter sent to EPA and NMED.

WET testing shall be conducted on the maximum dose of each instance of intermittent use of drugs, medications and/or chemicals not approved by the FDA, or drugs, medications and/or chemicals for purposes other than those for which FDA approval was granted (not including chlorine). For long-term use of these drugs, medications and/or chemicals, only one WET test shall be required on the maximum dose of the treatment, unless that maximum dose is later increased by 20 percent. At that point, and any later increases above 20 percent, then additional WET tests will be required. The sample shall NOT be flow weighted with other outfall flow. The sample shall occur at the outfall location consistent with the unit being treated, during the time that the expected highest dose is being administered and shall be taken at a time taking into consideration the lag-time for the slug of maximum dosage of DMC to flow from the point of application to the sample point. The grab sample for the WET test shall be taken 30-minutes after the expected arrival time of the treated water of DMC at the outfall. The expected arrival time can be determined by direct observation by use of a floatable marker such as wooden blocks.

F. CHLORINE DISCHARGE PROHIBITION

The discharge of chlorine is prohibited in the permit.