



REGION 6  
1445 ROSS AVENUE  
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0030392

---

**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"),

Village of Ruidoso  
Grindstone Dam Raw Water  
Treatment and Reuse Facility  
313 Cree Meadows Dr  
Ruidoso, NM 88345

is authorized to discharge from a facility located at 500 Resort Drive in Ruidoso, Lincoln County, New Mexico

to receiving waters named the Grindstone Reservoir, Outfall 001; and Grindstone Canyon, Outfall 002; Segment No. 20.6.4.209 of the Pecos River Basin,

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

Outfalls 001 & 002: Latitude 33° 19' 20" North; Longitude 105° 40' 55" 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. NM0030392 issued May 30, 2006.

This permit shall become effective on

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

Issued on

Prepared by

---

William K. Honker, P.E.  
Acting Director  
Water Quality Protection Division (6WQ)

---

Maria Okpala  
Environmental Engineer  
Permits & Technical Section (6WQ-PP)

(This page intentionally left blank)

PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. FINAL Effluent Limits – Outfall 001

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge from Outfall serial number 001 to Grindstone Reservoir, thence to the Pecos River of the Pecos River Basin. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	8.8	Daily(*2)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	STORET CODE	lbs/day, unless noted			mg/l, unless noted			MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT		30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG		
Flow (*1)	50050	***	Report MGD	***	Report MGD	Report MGD	***	Daily(*2)	Totalizing Meter
Total Copper	01042	Report	***	***	Report	Report	***	3/week(*2)	Grab
Total Cadmium	01027	0.00031		***	0.00016	0.00024	***	3/week(*2)	Grab
Total Lead	01051	0.01419		***	0.00743	0.01115	***	3/week(*2)	Grab
Total Silver	01077	0.00387		***	0.00203	0.00304	***	3/week(*2)	Grab
Total Thallium	01059	0.00059		***	0.00031	0.00047	***	3/week(*2)	Grab
Total Zinc	01092	0.85755		***	0.44901	0.67352	***	3/week(*2)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE MONITORING		MONITORING REQUIREMENTS	
		30-DAY AVG MINIMUM	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY TESTING (48-hr Static Non-Renewal) (*3)					
<u>Daphnia pulex</u>		Report	Report	Once/ 6 months	24-Hr Composite(*5)
Pimephales promelas		Report	Report	Once/6 months	24-Hr Composite(*5)

2. FINAL Effluent Limits – Outfall 002

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge from Outfall serial number 002- the discharge to the facility’s second collection gallery, then to Grindstone Canyon, an intermittent and unclassified stream, thence to the Pecos River of the Pecos River Basin. 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	8.8	Daily (*2)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
		lbs/day, unless noted			mg/l, unless noted				
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow (*1)	50050	***	Report MGD	***	Report MGD	Report MGD	***	Daily(*2)	Estimate
Total Copper	01042	Report	***	***	Report	Report	***	Daily(*2)	grab
Total Cadmium	01027	0.00031		***	0.00016	0.00024	***	3/week(*2)	grab
Total Lead	01051	0.01419		***	0.00743	0.01115	***	3/week(*2)	grab
Total Silver	01077	0.00387		***	0.00203	0.00304	***	3/week(*2)	grab
Total Thallium	01059	0.00059		***	0.00031	0.00047	***	3/week(*2)	grab
Total Zinc	01092	0.85755		***	0.44901	0.67352	***	3/week(*2)	grab

EFFLUENT CHARACTERISTICS		DISCHARGE MONITORING		MONITORING REQUIREMENTS	
		30-DAY AVG MINIMUM	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY TESTING (7-Day Static Renewal) (*3)					
Ceriodaphnia dubia		Report	Report	Once/permit term(*4)	24-Hr Composite(*5)
Pimephales promelas		Report	Report	Once/permit term (*4)	24-Hr Composite(*5)

Footnotes:

- \*1 . Flow must be monitored and reported as per Part III.C.6.
- \*2 when discharging
- \*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 “Permit term shall be from the permit effective date to the permit expiration date.” The test is to be performed As Soon As Possible (ASAP), but no later than six months from the permit effective date. This test “should occur in winter or springtime when most sensitive juvenile life forms are likely to be present in the receiving water, and colder ambient temperatures might adversely affect treatment processes.
- \*5 See Part III.22.c

**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 and reservoir banks.

Samples taken in compliance with the monitoring requirements specified above for Outfall 001 shall be taken at the discharge after the final treatment unit and prior to Grindstone Reservoir.

Samples taken in compliance with the monitoring requirements specified above for Outfall 002 shall be taken at the discharge after the final treatment unit (the facility's 2<sup>nd</sup> collection gallery) and prior to the Grindstone Canyon.

**B. SCHEDULE OF COMPLIANCE**

NONE

**C. MONITORING AND REPORTING (MINOR DISCHARGERS)**

1. The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.
2. Monitoring results must be reported either using the electronic or paper Discharge Monitoring Report (DMR) approved formats to EPA. If using paper DMR forms, the report shall be also sent to NMED and shall be submitted quarterly. See Part III, D.4 of the permit.
  - a. Reporting periods shall end on the last day of the months March, June, September, and December.
  - b. The first Discharge Monitoring Report(s) shall represent facility operations from the effective date of the permit through the last day of the current reporting period.
  - c. 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 from any outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

4. If any daily maximum or monthly 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.
5. Any daily maximum or monthly 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.
6. All reports shall be sent both to EPA and the NMED at the addresses shown in Part III of the permit.

#### 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 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.

**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 may be 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 NMED within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

Total Cadmium  
Total Lead  
Total Silver  
Total Thallium  
Total Zinc

**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 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 (%): 100%

EFFLUENT DILUTION SERIES (%): 32, 42, 56, 75, and 100%

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

Daphnia pulex acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, 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.

Pimephales promelas (Fathead minnow) acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012, 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.

- b. The NOEC (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Acute test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- c. This permit may be reopened to require 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 effects to a test species at or below the effluent critical dilution.
- e. This permit does not establish requirements 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 NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure and increase testing frequency to once per 3 months for the remainder of the permit term. 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. Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.
- ii. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: Daphnia pulex survival test; and Fathead minnow survival test.
- iii. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal effects are exhibited for: Daphnia pulex survival test; and Fathead minnow survival test.

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 Daphnia pulex survival test and the Fathead minnow survival 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-02-012 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 90% 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 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., 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 two flow-weighted composite samples from the outfall(s) listed at Item 1.a above.
- ii. The permittee shall collect a second 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-02-012, 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 biomonitoring data for each species is to be recorded for each reporting period. The data submitted should reflect the LOWEST Survival 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. 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. TEM6C.
    - (B) Report the NOEC value for survival, Parameter No. TOM6C.
    - (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM6C.

- ii. Daphnia pulex
  - (A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM3D.
  - (B) Report the NOEC value for survival, Parameter No. TOM3D.
  - (C) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM3D.
- d. If retests are required by NMED, enter the following codes:
  - 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). WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC FRESHWATER)

WHOLE EFFLUENT TOXICITY TESTING (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): 002

REPORTED AS FINAL OUTFALL(S): 002

CRITICAL DILUTION (%): 100%

EFFLUENT DILUTION SERIES (%): 32%, 42%, 56%, 75%, 100%

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 Lethal Effect Concentration) is herein defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- d. 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 NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. 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.

- 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 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

- 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 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 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 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 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 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 for EPA review.
- c. The permittee shall submit the results of each valid toxicity test as follows below. Submit retest information, if required, clearly marked as such. Only results of valid tests are to be reported.
  - i. Pimephales promelas (Fathead Minnow)
    - 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 NMED, enter the following codes:
  - 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'

**APPENDIX A of PART II**

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

<b>POLLUTANTS</b>	<b>MQL µg/l</b>	<b>POLLUTANTS</b>	<b>MQL µg/l</b>
<b>METALS, RADIOACTIVITY, CYANIDE and</b>			
<b>CHLORINE</b>			
Aluminum	2.5	Molybdenum	10
Antimony	60	Nickel	0.5
Arsenic	0.5	Selenium	5
Barium	100	Silver	0.5
Beryllium	0.5	Thallium	0.5
Boron	100	Uranium	0.1
Cadmium	1	Vanadium	50
Chromium	10	Zinc	20
Cobalt	50	Cyanide	10
Copper	0.5	Cyanide, weak acid dissociable	10
Lead	0.5	Total Residual Chlorine	33
Mercury *1	0.0005 0.005		
<b>DIOXIN</b>			
2,3,7,8-TCDD		0.00001	
<b>VOLATILE COMPOUNDS</b>			
Acrolein	50	1,3-Dichloropropylene	10
Acrylonitrile	20	Ethylbenzene	10
Benzene	10	Methyl Bromide	50
Bromoform	10	Methylene Chloride	20
Carbon Tetrachloride	2	1,1,2,2-Tetrachloroethane	10
Chlorobenzene	10	Tetrachloroethylene	10
Chlorodibromomethane	10	Toluene	10
Chloroform	50	1,2-trans-Dichloroethylene	10
Dichlorobromomethane	10	1,1,2-Trichloroethane	10
1,2-Dichloroethane	10	Trichloroethylene	10
1,1-Dichloroethylene	10	Vinyl Chloride	10
1,2-Dichloropropane	10		
<b>ACID COMPOUNDS</b>			
2-Chlorophenol	10	2,4-Dinitrophenol	50
2,4-Dichlorophenol	10	Pentachlorophenol	5
2,4-Dimethylphenol	10	Phenol	10
4,6-Dinitro-o-Cresol	50	2,4,6-Trichlorophenol	10

<b>POLLUTANTS</b>	<b>MLQ µg/l</b>	<b>POLLUTANTS</b>	<b>MLQ µg/l</b>
<b>BASE/NEUTRAL</b>			
Acenaphthene	10	Dimethyl Phthalate	10
Anthracene	10	Di-n-Butyl Phthalate	10
Benidine	50	2,4-Dinitrotoluene	10
Benzo(a)anthracene	5	1,2-Diphenylhydrazine	20
Benzo(a)pyrene	5	Fluoranthene	10
3,4-Benzofluoranthene	10	Fluorene	10
Benzo(k)fluoranthene	5	Hexachlorobenzene	5
Bis(2-chloroethyl)Ether	10	Hexachlorobutadiene	10
Bis(2-chloroisopropyl)Ether	10	Hexachlorocyclopentadiene	10
Bis(2-ethylhexyl)Phthalate	10	Hexachloroethane	20
Butyl Benzyl Phthalate	10	Indeno(1,2,3-cd)Pyrene	5
2-Chloronaphthalene	10	Isophorone	10
Chrysene	5	Nitrobenzene	10
Dibenzo(a,h)anthracene	5	n-Nitrosodimethylamine	50
1,2-Dichlorobenzene	10	n-Nitrosodi-n-Propylamine	20
1,3-Dichlorobenzene	10	n-Nitrosodiphenylamine	20
1,4-Dichlorobenzene	10	Pyrene	10
3,3'-Dichlorobenzidine	5	1,2,4-Trichlorobenzene	10
Diethyl Phthalate	10		
<b>PESTICIDES AND PCBS</b>			
Aldrin	0.01	Beta-Endosulfan	0.02
Alpha-BHC	0.05	Endosulfan sulfate	0.02
Beta-BHC	0.05	Endrin	0.02
Gamma-BHC	0.05	Endrin Aldehyde	0.1
Chlordane	0.2	Heptachlor	0.01
4,4'-DDT and derivatives	0.02	Heptachlor Epoxide	0.01
Dieldrin	0.02	PCBs	0.2
Alpha-Endosulfan	0.01	Toxaphene	0.3

(MLQ's Revised November 1, 2007)

Footnotes:

\*1 Default MLQ for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MLQ shall be 0.0005