



REGION 6  
1445 ROSS AVENUE  
DALLAS, TEXAS 75202-2733

NPDES Permit No TX0140121

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**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"),

Flag City Processing Plant  
9 Greenway Plaza, Suite 2800  
Houston, Texas 77046

is authorized to discharge from a facility located 2.65 miles south of the City of Edna on CR 305, Jackson County, Texas,

from Outfall 001: Latitude 28° 56' 42"N; Longitude 96° 37' 34"W; which discharge to a dry Creek, a tributary of Lavaca River Tidal in Waterbody Segment Code No. 1601C of the Lavaca River Basin.

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 hereof.

This permit shall become effective on

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

Issued on

Prepared by

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Director  
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Environmental Engineer  
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PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. Internal Outfall 001 - Cooling Tower Blowdown and Backwash from reverse osmosis - 0.022 MGD Flow

During the period beginning on the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge cooling tower blowdown and backwash from reverse osmosis water treatment units from Outfall 001, thence to a dry Creek, a tributary of Lavaca River Tidal in Waterbody Segment Code No. 1601C of the Lavaca 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       | 6.5                   | 9.0     | Once/two weeks (*1)     | Grab        |

| EFFLUENT CHARACTERISTICS                      |             | DISCHARGE LIMITATIONS |            |                    |         | MONITORING REQUIREMENTS |             |
|---|-------------|-----------------------|------------|--------------------|---------|-------------------------|-------------|
|   |             | lbs/day, unless noted |            | mg/l, unless noted |         |                         |             |
| POLLUTANT                                     | STORET CODE | MON AVG               | DAY MAX    | MON AVG            | DAY MAX | MEASUREMENT FREQUENCY   | SAMPLE TYPE |
| Flow  | 50050       | Report MGD            | Report MGD | N/A                | N/A     | Continuous (*2)         | Record      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> ) | 00310       | 3.67                  | 5.50       | 20                 | 30      | Once/two weeks (*1)     | Grab        |

| EFFLUENT CHARACTERISTICS                            | DISCHARGE MONITORING |               | MONITORING REQUIREMENTS |                 |
|---|----------------------|---------------|-------------------------|-----------------|
| WHOLE EFFLUENT TOXICITY (7day. Static Renewal) (*3) | 30-Day AVG MINIMUM   | 7-Day MINIMUM | MEASUREMENT FREQUENCY   | SAMPLE TYPE     |
| Ceriodaphnia dubia                                  | Report               | Report        | Once/Quarter            | 24-Hr Composite |
| Pimephales promelas                                 | Report               | Report        | Once/Quarter            | 24-Hr Composite |

Footnotes:

- \*1 For any reporting period, samples shall be taken at least seven (7) days from the first sample of the previous reporting period.
- \*2 Flow shall be monitored and as million gallons per day (MGD).
- \*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.

### SAMPLING LOCATION(S) AND OTHER REQUIREMENTS

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 from the following approximate location:

Outfall 001: Latitude 28° 56' 42"N; Longitude 96° 37' 34"W

### 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.

### SECTION B. SCHEDULE OF COMPLIANCE

NONE

### SECTION C. MONITORING AND REPORTING (MINOR DISCHARGERS)

1. 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.
2. Reporting periods shall end on the last day of the months March, June, September, and December.
3. 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.
4. Thereafter, the permittee is required to submit regular quarterly reports as described above and shall submit those reports postmarked no later than the 28<sup>th</sup> day of the month following each reporting period.
5. 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.
6. 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.

7. 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.
8. The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.
9. All reports shall be sent both to EPA and the Texas Railroad Commission at the addresses shown in Part III of the permit.

SECTION D.                      WATER TREATMENT CHEMICAL PROHIBITION

Products containing chromium and zinc will be prohibited from use as additives to the utility waters.

PART II - OTHER REQUIREMENTS

A. DISCHARGE REPORTING

Should any discharge occur, the permittee is required to sample within one hour of beginning of discharge for the pollutants listed in 40 CFR 122, Appendix D, Tables III and Table IV (See list below), plus flow, pH, hardness, TDS, and TSS and the results submitted to EPA and RRC. Should the discharge continue for more than one day, additional samples and analyses results shall be submitted for each additional day. No more than four complete sets of analytical results are required to be submitted. After four sets of analytical results have been submitted to EPA, this permit provision is no longer required for the term of this permit.

Other Toxic Pollutants (Metals and Cyanide) and Total Phenols

| <u>Pollutant</u> | <u>MQL</u> | <u>Pollutant</u> | <u>MQL</u> |
|------------------|------------|------------------|------------|
|                  | ug/l       |                  | ug/l       |
| Antimony, Total  | 60         | Nickel, Total    | 0.5        |
| Arsenic, Total   | 0.5        | Selenium, Total  | 5          |
| Beryllium, Total | 0.5        | Silver, Total    | 0.5        |
| Cadmium, Total   | 1          | Thallium, Total  | 0.5        |
| Chromium, Total  | 10         | Zinc, Total      | 20         |
| Copper, Total    | 0.5        | Cyanide, Total   | 10         |
| Lead, Total      | 0.5        | Phenols, Total   | 10         |
| Mercury, Total   | 0.0005     |                  |            |
|                  | 0.005      |                  |            |

Conventional and Nonconventional Pollutants Required to Be Tested by Existing Dischargers if Expected to be Present

| <u>Pollutant</u>         | <u>MQL</u> | <u>Pollutant</u>  | <u>MQL</u> |
|--------------------------|------------|-------------------|------------|
|                          | ug/l       |                   | ug/l       |
| Bromide                  |            | Sulfite           |            |
| Chlorine, Total Residual | 33         | Surfactants       |            |
| Color                    |            | Aluminum, Total   | 2.5        |
| Fecal Coliform           |            | Barium, Total     | 100        |
| Fluoride                 |            | Boron, Total      | 100        |
| Nitrate-Nitrite          |            | Cobalt, Total     | 50         |
| Nitrogen, Total Organic  |            | Iron, Total       |            |
| Oil & Grease             |            | Magnesium         |            |
| Phosphorus               |            | Molybdenum, Total | 10         |
| Radioactivity            |            | Manganese, Total  |            |
| Sulfate                  |            | Tin, Total        |            |
| Sulfide                  |            | Titanium, Total   |            |

**B. 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 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).

**C. 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, at (214) 665-6595, and concurrently to Railroad Commission of Texas, at (512) 463-6804, within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

None

**D. 40 CFR PART 136 ANALYTICAL REQUIREMENTS**

Unless otherwise specified in this permit, monitoring shall be conducted according to the analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136 in effect on the effective date of this permit. Appendices A, B, and C to 40 CFR Part 136 are specifically referenced as part of this requirement. Amendments to 40 CFR Part 136 promulgated after the effective date of this permit shall supersede these requirements as applicable.

**E. REOPENER**

The permit may be reopened and modified during the life of the permit if relevant portions of the Texas Commission on Environmental Quality (TCEQ) Water Quality Standards for Interstate and Intrastate Streams are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the Water Quality Standards are either revised or promulgated by the TCEQ. Should the State adopt a State water quality standard, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard in accordance with 40CFR122.44 (d). Modification of the permit is subject to the provisions of 40CFR124.5.

If a new or revised TMDL is determined for the receiving stream, the permit may be reopened, and new limitations based on the TMDL may be incorporated into the permit. Additionally, in

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

F. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC MARINE)

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 (%): 100%

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

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

*Mysidopsis bahia* (Mysid shrimp) chronic static renewal 7-day survival and growth test using Method 1007.0, EPA-821-R-02-014, or the most recent update thereof.

*Menidia beryllina* (Inland Silverside minnow) chronic static renewal 7-day larval survival and growth test, Method 1006.0, EPA-821-R-02-014, 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 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. 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.

## 2. PERSISTENT LETHAL and/or SUB\_LETHAL EFFECTS

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. 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.

If any valid test demonstrates significant lethal or sublethal effects to a test species at or below the critical dilution, the frequency of testing for that species is automatically increased to once per quarter for the life of the permit.

### a. Part I Testing Frequency Other Than Monthly

- i. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant toxic effects at or below the critical dilution. The additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in Item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.
- ii. **IF LETHAL EFFECTS HAVE BEEN DEMONSTRATED** If any of the additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section. The permittee shall notify EPA in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may be also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.
- iii. **IF ONLY SUB-LETHAL EFFECTS HAVE BEEN DEMONSTRATED** If any two of the three additional tests demonstrates significant sub-lethal effects at 75% effluent or lower, the permittee shall initiate the Sub-Lethal Toxicity Reduction Evaluation (TRE<sub>SL</sub>) requirements as specified in Item 5 of this section. The

permittee shall notify EPA in writing within 5 days of the failure of any retest, and the Sub-Lethal Effects TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required for failure to perform the required retests.

- iv. The provisions of Item 2.a.i. are suspended upon submittal of the TRE Action Plan.

b. Part I Testing Frequency of Monthly

The permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements as specified in Item 5 of this section when any two of three consecutive monthly toxicity tests exhibit significant lethal effects at or below the critical dilution. A TRE may also be required due to a demonstration of intermittent lethal and/or sub-lethal effects at or below the critical dilution, or for failure to perform the required retests.

3. 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 dry weight of surviving Mysid shrimp at the end of the 7 days in the control (0% effluent) must be 0.20 mg per mysid or greater. Should the mean dry weight in the control be less than 0.20 mg per mysid, the toxicity test, including the control and all effluent dilutions shall be repeated.
- iii. The mean dry weight of surviving unpreserved Inland Silverside minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.50 mg per larva or greater. The mean dry weight of surviving preserved Inland Silverside minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.43 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 growth and survival endpoints in the Mysid shrimp test; and the growth and survival endpoints of the Inland Silverside 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

growth and survival endpoints in the Mysid shrimp test; and the growth and survival endpoints of the Inland Silverside minnow test.

- vi. A Percent Minimum Significant Difference (PMSD) range of 11 - 37 for *Mysidopsis bahia* growth;
- vii. A PMSD range of 11 - 28 for Silverside minnow growth.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

For the Mysid shrimp and the Inland Silverside 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-02-014 or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 3.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 4 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 salinity 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 salinity 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.
- 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.

4. 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-02-014, 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 lethal and sub-lethal results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached 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 clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.
  - i. *Menidia beryllina* (Inland Silverside minnow)
    - A. If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0".  
Parameter No. TLP6B
    - B. Report the NOEC value for survival, Parameter No. TOP6B
    - C. Report the Lowest Observed Effect Concentration (LOEC) value for survival, Parameter No. TXP6B
    - D. Report the NOEC value for growth, Parameter No. TPP6B
    - E. Report the LOEC value for growth, Parameter No. TYP6B

- 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. TGP6B
  - G. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6B
  - ii. *Mysidopsis bahia* (Mysid shrimp)
    - A. If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP3E
    - B. Report the NOEC value for survival, Parameter No. TOP3E
    - C. Report the LOEC value for survival, Parameter No. TXP3E
    - D. Report the NOEC value for growth, Parameter No. TPP3E
    - E. Report the LOEC value for growth, Parameter No. TYP3E
    - 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. TGP3E
    - G. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP3E
  - d. 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 and/or sub-lethal effects 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 and/or sub-lethal effects is less than the critical dilution; otherwise, enter a "0."
    - iii. For retest number 3, Parameter 51443, enter a '1' if the NOEC for survival and/or sub-lethal effects is less than the critical dilution; otherwise, enter a '0'
5. TOXICITY REDUCTION EVALUATIONS (TREs)

TREs for lethal and sub-lethal effects are performed in a very similar manner. EPA Region 6 is currently addressing TREs as follows: a sub-lethal TRE (TRE<sub>SL</sub>) is triggered based on three sub-lethal test failures while a lethal effects TRE (TRE<sub>L</sub>) is triggered

based on only two test failures for lethality. In addition, EPA Region 6 will consider the magnitude of toxicity and use flexibility when considering a  $TRE_{SL}$  where there are no effects at effluent dilutions of less than 76% effluent.

- a. Within ninety (90) days of confirming persistent toxicity, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity.-The goal of the TRE is to maximally reduce the toxic effects of effluent at the critical dilution and include the following:
  - i. **Specific Activities.** The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003) and "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce  
National Technical Information Service  
5285 Port Royal Road  
Springfield, VA 22161

- ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

- iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
  - iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
  - c. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
    - i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
    - ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
    - iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.

A copy of the TRE Activities Report shall also be submitted to the state agency.

- d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no

significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

## 6. MONITORING FREQUENCY REDUCTION

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for one or both 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 Inland Silverside minnow) and not less than twice per year for the more sensitive test species (usually the mysid shrimp).
- 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.

Any 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.

**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<br/>µg/l</b> | <b>POLLUTANTS</b>              | <b>MQL<br/>µg/l</b> |
|--|---------------------|--------------------------------|---------------------|
| <b>METALS, RADIOACTIVITY, CYANIDE and 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<br>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                  |
| Clorodibromomethane                                | 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>MQL<br/>µg/l</b> | <b>POLLUTANTS</b>         | <b>MQL<br/>µg/l</b> |
|-----------------------------|---------------------|---------------------------|---------------------|
| <b>BASE/NEUTRAL</b>         |                     |                           |                     |
| Acenaphthene                | 10                  | Dimethyl Phthalate        | 10                  |
| Anthracene                  | 10                  | Di-n-Butyl Phthalate      | 10                  |
| Benzidine                   | 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                 |

(MQL's Revised November 1, 2007)

Footnotes:

\*1 Default MQL 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 MQL shall be 0.0005

