



REGION 6  
1445 ROSS AVENUE  
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0000043

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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"),

City of Farmington – Animas Power Plant  
501 McCormick School Road  
Farmington, New Mexico 87401

is authorized to discharge from the Animas Power Plant located at 501 McCormick School Road, Farmington, San Juan County, New Mexico

to receiving waters named Willet Ditch thence to the Animas River in Waterbody Segment Code 20.6.4.403, of the San Juan Basin, the discharge located on that water at the following coordinates:

Outfall 001: Latitude 36° 43' 32" North, Longitude 108° 11' 30" West  
Outfall 003: Latitude 36° 43' 32" North, Longitude 108° 11' 30" West  
Outfall 003A: Latitude 36° 43' 32" North, Longitude 108° 11' 30" West  
Outfall 004: To be provided

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 supersedes and replaces NPDES Permit No. NM0000043 issued October 28, 2005.

This permit shall become effective on October 1, 2011

This permit and the authorization to discharge shall expire at midnight September 30, 2016

Issued on August 30, 2011

Prepared by

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## **PART I – REQUIREMENTS FOR NPDES PERMITS**

### **SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS**

#### 1. OUTFALL 001 - FINAL Effluent Limits – Intermittent Flow

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 once-through cooling water to Willets Ditch thence to the Animas River, in Segment Number 20.6.4.403, from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	9.0	Once/Week (*1)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	Daily (*1)	Estimate (*3)
Total Dissolved Solids – Willet Ditch Upstream (*4)	70300	N/A	N/A	Report	N/A	Once/Month (*1)	12-Hr Composite
Total Dissolved Solids - Outfall (*5)	70300	N/A	N/A	Report	N/A	Once/Month (*1)	12-Hr Composite
Total Dissolved Solids - Net (*6)	70300	Report	N/A	25	N/A	Once/Month (*1)	12-Hr Composite
Temperature	00011	N/A	N/A	Report °F (*7)	84 °F (*8)	Continuous (*1)	Record

Footnotes:

- \*1 When discharging.
- \*2 See **Appendix A of Part II** of the permit for the required Minimum Quantification Level.
- \*3 "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part III.C.6. Flow may be estimated using sound analytical techniques.
- \*4 TDS influent from Willet Ditch measured concurrently as the effluent from Outfall 001 (See Note \*4 below) at a point upstream of the slide gates on the water intake structure.
- \*5 TDS effluent from Outfall 001 measured concurrently as the Willet Ditch influent (See Note \*3 above) .
- \*6 TDS limit. This is the difference between the effluent and the influent TDS (See Notes \*3 and \*4 above).
- \*7 Highest temperature over six or more consecutive hours in any day.
- \*8 Maximum temperature not to be exceeded for more than 1 hour over any 24-hour period.

## 2. OUTFALL 003 - FINAL Effluent Limits – Intermittent Flow

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 screen wash to Willet Ditch and thence to Animas River in Segment Number 20.6.4.403, from Outfall 003. Outfall 003 is located approximately 12 feet southeast of Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	9.0	Once/Quarter (*1)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	Daily (*1)	Estimate (*3)
Total Suspended Solids Net (*4)	00530	N/A	N/A	30 (*4)	100 (*4)	Once/Quarter (*1)	Grab
Oil & Grease	03582	N/A	N/A	15	20	Once/Quarter (*1)	Grab

Footnotes:

- \*1 When discharging.
- \*2 See **Appendix A of Part II** of the permit for the required Minimum Quantification Level.
- \*3 "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part III.C.6. Flow may be estimated using sound analytical techniques.
- \*4 Net increase above inlet TSS from Willet Ditch measured concurrently as the effluent from Outfall 003.

## 3. OUTFALL 003A - FINAL Effluent Limits – Intermittent Flow

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 screen wash to Willet Ditch and thence to Animas River in Segment Number 20.6.4.403, from Outfall 003A. Outfall 003A is located approximately 100 feet northwest of Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	9.0	Once/Quarter (*1)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	Daily (*1)	Estimate (*3)
Total Suspended Solids Net (*4)	00530	N/A	N/A	30 (*4)	100 (*4)	Once/Quarter (*1)	Grab
Oil & Grease	03582	N/A	N/A	15	20	Once/Quarter (*1)	Grab

Footnotes:

- \*1 When discharging.
- \*2 See **Appendix A of Part II** of the permit for the required Minimum Quantification Level.
- \*3 "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part III.C.6. Flow may be estimated using sound analytical techniques.
- \*4 Net increase above inlet TSS from Willet Ditch measured concurrently as the effluent from Outfall 003A.

## 4. OUTFALL 004 - FINAL Effluent Limits – Continuous Flow

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 combined cooling tower blowdown and low volume wastes to Willets Ditch thence to the Animas River, in Segment Number 20.6.4.403, from Outfall 004. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
		Standard Units			
POLLUTANT	STORET CODE	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	00400	6.6	9.0	Daily (*1)	Grab

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	50050	Report MGD	Report MGD	***	***	Continuous	Record
Total Dissolved Solids	70300	Report	N/A	Report	N/A	Once/Month (*1)	12-Hr Composite
Temperature (*3)	00011	N/A	N/A	Report °F (*9)	84 °F (*10)	Continuous (*1)	Record
Total Suspended Solids	00530	Report	Report	30	100	Once/Week (*1)	Grab
Oil & Grease	03582	Report	Report	15	20	Once/Week (*1)	Grab
Phosphorus	00665	N/A	N/A	No Measurable (*4)	No Measurable (*4)	Once/Month (*1)	12-Hr Composite
Total Residual Chlorine	50060	N/A	N/A	N/A	19 ug/l	Daily (*1)	Instantaneous Grab (*5)

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
	30-DAY AVG MINIMUM	48-HOUR MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Whole Effluent Toxicity Testing (48-Hour Static Renewal) (*6)				
Daphnia pulex	Report	Report	Once/Six Months	24-Hr Composite
Pimephales promelas	Report	Report	Once/Six Months	24-Hr Composite

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Aluminum, Total	01105	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Antimony, Total	01097	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Arsenic, Total	01002	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Boron, Total	01022	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Cadmium, Total	01027	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Chromium, Total	01034	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Copper, Total	01042	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Cyanide, Total	00720	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Lead, Total	01051	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Mercury, Total	71900	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Nickel, Total	01067	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Selenium, Total	01147	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Silver, Total	01077	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Thallium, Total	01059	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Zinc, Total	01092	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Acrolein	34210	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Acrylonitrile	34215	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Benzene	34030	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Bromoform	32104	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Carbon Tetrachloride	32102	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Chlorobenzene	34301	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Clorodibromomethane	32105	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Chloroform	32106	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Dichlorobromomethane	32101	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,2-Dichloroethane	34531	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,1-Dichloroethylene	34501	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,2-Dichloropropane	34541	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,3-Dichloropropene	34561	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Ethylbenzene	34371	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Methyl Bromide	34413	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Methylene Chloride	34423	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,1,2,2-Tetrachloroethane	34516	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Tetrachloroethylene	34475	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Toluene	34010	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,2--trans-Dichloroethylene	34546	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
1,1,2-Trichloroethane	34511	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Trichloroethylene	39180	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
Vinyl Chloride	39175	N/A	N/A	N/A	Report	Once (*7)	Grab (*8)
2-Chlorophenol	34586	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
2,4-Dichlorophenol	34601	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
2,4-Dimethylphenol	34606	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
4,6-Dinitro-o-Cresol	34657	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
2,4-Dinitrophenol	34616	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Pentachlorophenol	39032	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Phenol	34694	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
2,4,6-Trichlorophenol	34621	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Acenaphthene	34205	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Anthracene	34220	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Benzidine	39120	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Benzo(a)anthracene	34526	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Benzo(a)pyrene	34247	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Benzo(b)fluoranthene	34230	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Benzo(k)fluoranthene	34242	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Bis (2-chloroethyl) Ether	34273	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Bis (2-chloroisopropyl) Ether	34283	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Bis (2-ethylhexyl) Phthalate	39100	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Butyl Benzyl Phthalate	34292	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
2-Chloronaphthalene	34581	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Chrysene	34320	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Dibenzo(a,h)anthracene	34556	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
1,2-Dichlorobenzene	34536	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
1,3-Dichlorobenzene	34566	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
1,4-Dichlorobenzene	34571	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
3,3-Dichlorobenzidine	34631	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Diethyl Phthalate	34336	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Dimethyl Phthalate	34341	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Dibutyl Phthalate	39110	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
2,4-Dinitrotoluene	34611	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
1,2-Diphenylhydrazine	34346	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Fluoranthene	34376	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Fluorene	34381	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Hexachlorobenzene	39700	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Hexachlorobutadiene	34391	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Hexachlorocyclopentadiene	34386	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Hexachloroethane	34396	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Indeno (1,2,3-cd)Pyrene	34403	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Isophorone	34408	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Nitrobenzene	34447	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
n-Nitrodimethylamine	34438	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
n-Nitrosodi-n-Propylamine	34428	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
n-Nitrosodiphenylamine	34433	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Pyrene	34469	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
1,2,4-Trichlorobenzene	34551	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Aldrin	39330	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Alpha-BHC	39337	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Beta-BHC	39338	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Gamma-BHC	39340	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Chlordane	39350	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
4, 4' -DDT and derivatives	39300	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Dieldrin	39380	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Alpha-Endosulfan	34361	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Beta-Endosulfan	34356	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Endosulfan sulfate	35351	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Endrin	39390	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Endrin Aldehyde	34366	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Heptachlor	39410	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite

EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
		lbs/day, unless noted		mg/l, unless noted (*2)			
POLLUTANT	STORET CODE	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Heptachlor Epoxide	39420	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
PCBs	39516	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Toxaphene	39400	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Cobalt, Dissolved	01037	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Manganese, Dissolved	01056	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Molybdenum, Dissolved	01060	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Molybdenum, Total recoverable	01062	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Nitrite + Nitrate, Total	00630	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Vanadium, Dissolved	01087	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Adjusted gross alpha	80029	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Radium 226 + Radium 228	11503	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Diazinon	39570	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Dioxin	34675	N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite
Nonylphenol		N/A	N/A	N/A	Report	Once (*7)	24-Hr Composite

Footnotes:

- \*1 When discharging.
- \*2 See **Appendix A of Part II** of the permit for the required Minimum Quantification Level.
- \*3 The sampling location for temperature reporting is at the end of pipe prior to reaching Willets Ditch. See Part II, Flow-Weighted Average Temperature.
- \*4 There shall be no measurable phosphorus concentration in the discharge.
- \*5 The maximum total residual chlorine (TRC) shall be monitored by instantaneous grab sample once per day. Regulations at 40 CFR Part 136 define "instantaneous grab" as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
- \*6 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.
- \*7 Sampling shall be within the first 60-days after commencement of discharges, after routine corrosion inhibitor chemicals have been started and shall be representative discharges both in quantity and quality.
- \*8 Report the geometric mean of three (3) grab samples taken at 8 hour intervals in a single 24-hour day. If at least one grab sample is above the MQL shown in **Appendix A of Part II** of the permit, for determining the geometric mean, each sample below the MQL shall be averaged as one half the MQL.
- \*9 Highest temperature over six or more consecutive hours in any day.
- \*10 Maximum temperature not to be exceeded for more than 1 hour over any 24-hour period.

**5. SAMPLE LOCATIONS**

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge after the final treatment unit and prior to the receiving stream.

**6. Notification of Outfall 004 Location**

The permittee shall notify both EPA and NMED within thirty (30) days of final location of Outfall 004. The permittee shall provide a descriptive and global position location of the final outfall. Reference to existing facility structures; other final outfall locations, significant buildings etc., shall be included in the descriptive location.

**B. SCHEDULE OF COMPLIANCE**

NONE

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

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. Each quarterly submittal shall include separate forms for each month of the reporting period. See Part III, D.4 of the permit.

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.

**D. PROHIBITIONS****1. ALL OUTFALLS: TRANSFORMER FLUID DISCHARGE**

There shall be no discharge of transformer fluid containing polychlorinated biphenyl (PCB) compounds.

2.       OUTFALLS 001, 003 and 003A: DISCHARGE OF FREE AVAILABLE OR  
          TOTAL RESIDUAL CHLORINE

The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

The term "total residual chlorine" (or total residual oxidants for intake water with bromides) means the value obtained using the amperometric method for total residual chlorine described in 40CFR136.

Neither free available chlorine nor total residual chlorine may be discharged without pre-approval from EPA.

3.       ALL OUTFALLS: METAL CLEANING WASTE

The term "metal cleaning waste" means any wastewater resulting from cleaning (with or without chemical cleaning compounds) any metal process equipment including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.

The term "chemical metal cleaning wastes" means any wastewater resulting from the cleaning of any metal process equipment with chemical compounds, including, but not limited to, boiler tube cleaning.

There shall be no discharges of metal cleaning wastes or chemical metal cleaning wastes.

4.       OUTFALLS 001, 003 and 003A: LOW-VOLUME WASTE SOURCES

The term "low-volume wastesources" means, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established. Low volume waste sources include, but are not limited to: wastewaters from wet scrubber air pollution control systems, ion exchange water treatment systems, water treatment evaporator blowdown, laboratory and sampling streams, boiler blowdown, floor drains, cooling tower basin cleaning wastes, and recirculating house service water systems. Sanitary and air conditioning wastes are not included.

There shall be no discharge of low-volume waste sources.

5.       OUTFALLS 001, 003 and 003A: COOLING TOWER MAINTENANCE  
          CHEMICALS

If cooling tower maintenance chemicals are required, the permittee must demonstrate through engineering calculations that the 126 priority pollutants (listed at 40CFR423,

Appendix A) are limited in the discharge to "no detectable amount," except total chromium (0.2 mg/l) and total zinc (1.0 mg/l).

The use of chemical additives which may contain any of the 126 priority pollutants or may adversely impact aquatic lives is not authorized unless approval is obtained and limitations are established on a case-by-case basis.

6.       OUTFALL 004: PHOSPHORUS-BASED CORROSION INHIBITOR  
          CHEMICALS

There shall be no discharge of fluids containing phosphorus-based corrosion inhibitor chemicals. If changes are made to the TMDL and a wasteload allocation is provided for such discharges then the permit must be modified.

## **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.

### **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.

TRC  
TSS  
Oil & Grease  
Temperature

### **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(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.

### **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):	004
REPORTED ON DMR AS FINAL OUTFALL:	004
CRITICAL DILUTION:	0.4%
COMPOSITE SAMPLE TYPE:	Defined at PART I; Grab
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 the Critical Dilution (CD) concentration.

*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 the CD concentration.

- b. 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.
- c. 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). However, upon failure of a WET test, the permittee must report the test results to EPA, in writing, within 5 business days of notification of the test failure. EPA 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 the CD concentration, 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 Section 11.3.6, SINGLE CONCENTRATION TEST, 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, 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 synthetic dilution water. 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 the critical 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.

4. MONITORING FREQUENCY REDUCTION

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first two consecutive 6 month periods of testing for one or both test species, with no effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for either or both test species may be reduced to not less than once per year.
- 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 the 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. If any test fails 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 6 months until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.

Any monitoring frequency reduction granted applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per 6 months 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.

POLLUTANTS	MQL ug/l	POLLUTANTS	MQL ug/l
<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 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 ug/l</b>	<b>POLLUTANTS</b>	<b>MQL ug/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.

**PART III - STANDARD CONDITIONS FOR NPDES PERMITS****A. GENERAL CONDITIONS****1. INTRODUCTION**

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

**2. DUTY TO COMPLY**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**3. TOXIC POLLUTANTS**

- a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**4. DUTY TO REAPPLY**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

**5. PERMIT FLEXIBILITY**

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**6. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**7. DUTY TO PROVIDE INFORMATION**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

**8. CRIMINAL AND CIVIL LIABILITY**

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

**9. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**10. STATE LAWS**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

**11. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**B. PROPER OPERATION AND MAINTENANCE****1. NEED TO HALT OR REDUCE NOT A DEFENSE**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

**2. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**3. PROPER OPERATION AND MAINTENANCE**

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

**4. BYPASS OF TREATMENT FACILITIES****a. BYPASS NOT EXCEEDING LIMITATIONS**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.

**b. NOTICE****(1) ANTICIPATED BYPASS**

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

**(2) UNANTICIPATED BYPASS**

The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.

**c. PROHIBITION OF BYPASS**

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Part III.B.4.b.

(2) The Director may allow an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

## 5. UPSET CONDITIONS

### a. EFFECT OF AN UPSET

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part III.B.5.b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

### b. CONDITIONS NECESSARY FOR A DEMONSTRATION OF UPSET

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset as required by Part III.D.7; and,
- (4) The permittee complied with any remedial measures required by Part III.B.2.

### c. BURDEN OF PROOF

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

## 6. REMOVED SUBSTANCES

Unless otherwise authorized, solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

## 7. PERCENT REMOVAL (PUBLICLY OWNED TREATMENT WORKS)

For publicly owned treatment works, the 30-day average (or Monthly Average) percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

## C. MONITORING AND RECORDS

### 1. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

### 2. REPRESENTATIVE SAMPLING

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

### 3. RETENTION OF RECORDS

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

### 4. RECORD CONTENTS

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;

- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

#### 5. MONITORING PROCEDURES

- a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

#### 6. FLOW MEASUREMENTS

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

### D. REPORTING REQUIREMENTS

#### 1. PLANNED CHANGES

##### a. INDUSTRIAL PERMITS

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,
- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part III.D.10.a.

##### b. MUNICIPAL PERMITS

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

#### 2. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

#### 3. TRANSFERS

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

#### 4. DISCHARGE MONITORING REPORTS AND OTHER REPORTS

Monitoring results must be reported to EPA on either the electronic or paper Discharge Monitoring Report (DMR) approved formats. Monitoring results can be submitted electronically in lieu of the paper DMR Form. To submit electronically, access the NetDMR website at [www.epa.gov/netdmr](http://www.epa.gov/netdmr) and contact the R6NetDMR.epa.gov in-box for further instructions. Until you

are approved for Net DMR, you must report on the Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. No additional copies are needed if reporting electronically, however when submitting paper form EPA No. 3320-1, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of paper DMR's and all other reports shall be submitted to the appropriate State agency (ies) at the following address (es):

EPA:

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

New Mexico:

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

5. ADDITIONAL MONITORING BY THE PERMITTEE

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. AVERAGING OF MEASUREMENTS

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. TWENTY-FOUR HOUR REPORTING

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

- (1) A description of the noncompliance and its cause;
- (2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,
- (3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- (2) Any upset which exceeds any effluent limitation in the permit; and,
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. OTHER NONCOMPLIANCE

The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. OTHER INFORMATION

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. CHANGES IN DISCHARGES OF TOXIC SUBSTANCES

All existing manufacturing, commercial, mining, and silvacultural permittees shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) One hundred micrograms per liter (100 µg/L);
  - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2, 4-dinitro-phenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
  - (4) The level established by the Director.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (1) Five hundred micrograms per liter (500 µg/L);
  - (2) One milligram per liter (1 mg/L) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
  - (4) The level established by the Director.

#### 11. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified.

- a. ALL PERMIT APPLICATIONS shall be signed as follows:

- (1) FOR A CORPORATION - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
  - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP - by a general partner or the proprietor, respectively.
- (3) FOR A MUNICIPALITY, STATE, FEDERAL, OR OTHER PUBLIC AGENCY - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - (a) The chief executive officer of the agency, or
  - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

- b. ALL REPORTS required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental

matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

c. CERTIFICATION

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. AVAILABILITY OF REPORTS

Except for applications, effluent data permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. CRIMINAL

a. NEGLIGENT VIOLATIONS

The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. KNOWING VIOLATIONS

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. KNOWING ENDANGERMENT

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

d. FALSE STATEMENTS

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. CIVIL PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

3. ADMINISTRATIVE PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. CLASS I PENALTY

Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

b. CLASS II PENALTY

Not to exceed \$11,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$137,500.

F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. ACT means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.
3. APPLICABLE EFFLUENT STANDARDS AND LIMITATIONS means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. APPLICABLE WATER QUALITY STANDARDS means all water quality standards to which a discharge is subject under the Act.
5. BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.
6. DAILY DISCHARGE means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
7. DAILY MAXIMUM discharge limitation means the highest allowable "daily discharge" during the calendar month.
8. DIRECTOR means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
9. ENVIRONMENTAL PROTECTION AGENCY means the U.S. Environmental Protection Agency.
10. GRAB SAMPLE means an individual sample collected in less than 15 minutes.
11. INDUSTRIAL USER means a non-domestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
12. MONTHLY AVERAGE (also known as DAILY AVERAGE) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow, and n = number of daily samples; daily average discharge =

$$C_1F_1 + C_2F_2 + \dots + C_nF_n$$

$$F_1 + F_2 + \dots + F_n$$

13. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.
14. SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
15. SEWAGE SLUDGE means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff that are discharged to or otherwise enter a publicly owned treatment works.
16. TREATMENT WORKS means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at

the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

17. UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
18. FOR FECAL COLIFORM BACTERIA, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
19. The term "MGD" shall mean million gallons per day.
20. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).
21. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).
22. MUNICIPAL TERMS
  - a. 7-DAY AVERAGE or WEEKLY AVERAGE, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The 7-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
  - b. 30-DAY AVERAGE or MONTHLY AVERAGE, other than for fecal coliform bacteria, is the arithmetic mean of the daily values for all effluent samples collected during a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. The 30-day average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.
  - c. 24-HOUR COMPOSITE SAMPLE consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
  - d. 12-HOUR COMPOSITE SAMPLE consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
  - e. 6-HOUR COMPOSITE SAMPLE consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
  - f. 3-HOUR COMPOSITE SAMPLE consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.