



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

SEP 25 2013

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7010 0780 0000 7365 9353)

REPLY TO: 6WQ-NP

Michael Sloane
Chief of Fisheries
Los Ojos State Fish Hatchery
P.O. Box 25112
Santa Fe, NM 87508

Re: Application to Discharge to Waters of the United States Permit No. NM0030139, Los Ojos State Fish Hatchery

Dear Mr. Sloane:

This package constitutes EPA's final permit decision for the above referenced facility. Enclosed are the responses to comments received during the public comment period and the final permit. According to EPA regulations at 40 CFR §124.19, within 30 days after a final permit decision has been issued, any person who filed comments on that draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision.

Should you have any questions regarding the final permit, please feel free to contact Laurence Giglio of the NPDES Permits Branch at the above address or by telephone: (214) 665-6639, by fax: (214) 665-2191, or by E-mail: giglio.larry@epa.gov. Should you have any questions regarding compliance with the conditions of this permit, please contact the Water Enforcement Branch at the above address or by telephone: 214-665-6468.

Sincerely yours,

A handwritten signature in black ink, appearing to read "W.K. Honker".

William K. Honker, P.E.

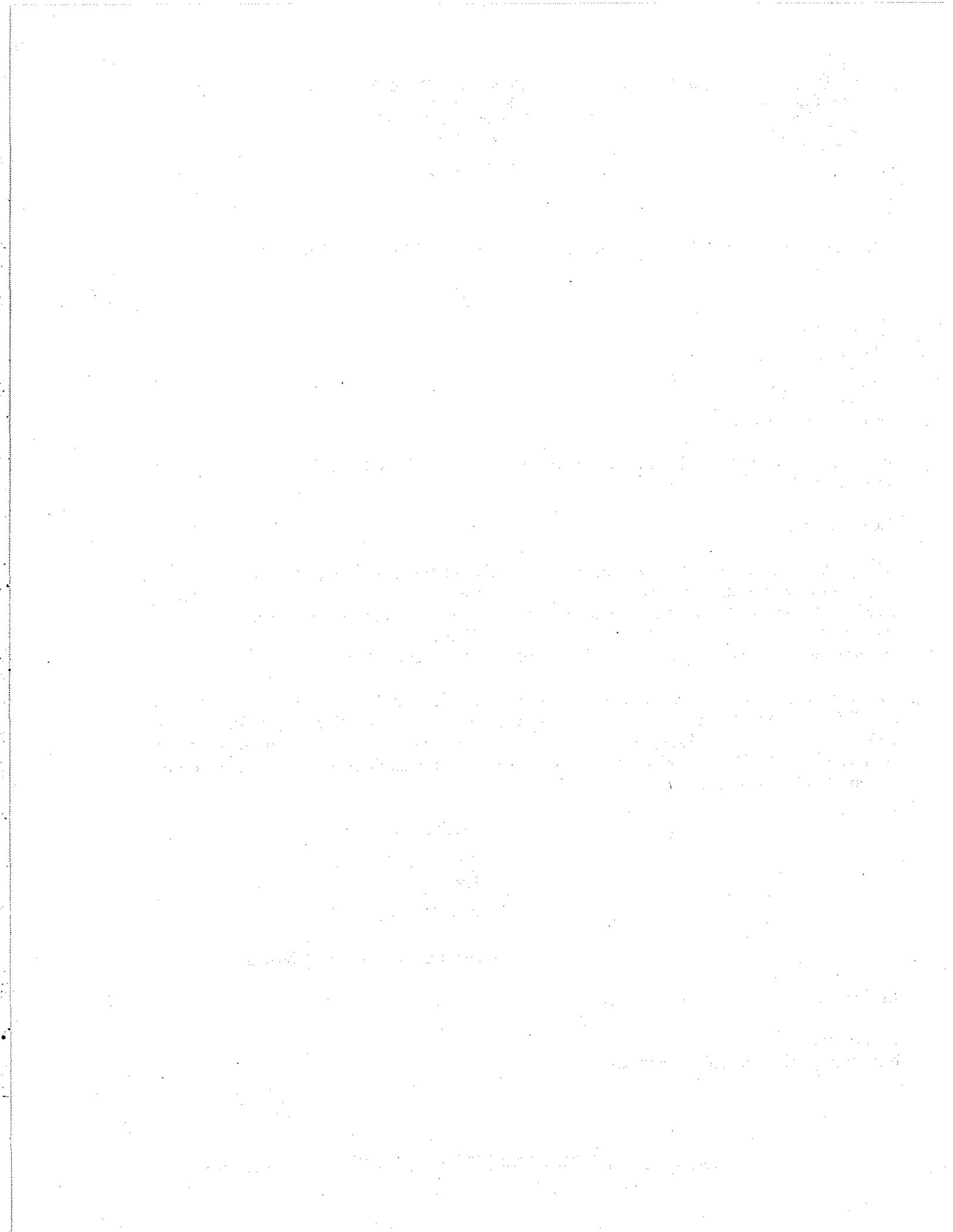
Director

Water Quality Protection Division

Enclosures

cc w/enclosures:

New Mexico Environment Department



NPDES PERMIT NO. NM0030139

RESPONSE TO COMMENTS

RECEIVED ON THE SUBJECT DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT
40 CFR §124.17

APPLICANT: State of New Mexico Department of Game & Fish (DGF)
Los Ojos State Fish Hatchery
P.O. Box 25112
Santa Fe, NM 87504

ISSUING OFFICE: U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

PREPARED BY: Laurence E. Giglio
Environmental Engineer
NPDES Permits Branch (6WQ-PP)
Water Quality Protection Division
VOICE: 214-665-6639
FAX: 214-665-2191
EMAIL: giglio.larry@epa.gov

PERMIT ACTION: Final permit decision and response to comments received on the draft reissued
NPDES permit publicly noticed on May 26, 2012.

DATE PREPARED: September 18, 2013.

Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of
Federal Regulations, revised as of September 12, 2013.

DOCUMENT ABBREVIATIONS

In this document, references to State shall mean either New Mexico and/or the Pueblo of Isleta. Also, in this document, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
cfu	Colony forming units, for bacteria generally reported as cfu/100 ml (milliliters)
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
gpm	Gallons per minute
mg/l	Milligrams per liter
ug/l	Micrograms per liter
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
pg/l	Picograms per liter
POTW	Publically owned treatment works
RP	Reasonable potential
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

SUBSTANTIAL CHANGES FROM DRAFT PERMIT

There are changes from the draft NPDES permit publicly noticed on May 26, 2012.

1. Original footnote *13; pertaining to WET samples taken during the period between April 1 and June 30, has been eliminated.
2. Footnote #2 from pH reporting will be eliminated and either Outfall 001 or 002 may be monitored and reported for compliance purposes.
3. The final permit will require once per quarter monitoring and reporting for E. coli bacteria for all phases.
4. The final permit will establish once per quarter monitoring for TP and TN for all phases.
5. The final permit will establish a thirty (30) month compliance period after the permit effective date for meeting *Phase 1* Total Phosphorus and Total Nitrogen limits with quarterly reporting of activities to achieve these limits.
6. The final permit will establish a *Phase n* compliance period of nine-years (9) and six (6) months from the permit effective date with annual reporting requirements for Total Phosphorus and Total Nitrogen.
7. The final permit added language amending the path of the discharge to include that the discharge from the hatchery may at times never reach the Rio Chama.
8. The final permit added language that states the requirement to submit quarterly progress reports for E. coli bacteria shall expire either one (1) year from the PED or when the facility meets the permit limits, whichever occurs first.

STATE CERTIFICATION

Letter from James Hogan, New Mexico Environment Department (NMED) to William K. Honker, (EPA) dated July 6, 2012.

CONDITIONS OF CERTIFICATION

There are no conditions of State certification.

COMMENTS RECEIVED ON THE DRAFT PERMIT

Letter from James Hogan, New Mexico Environment Department (NMED) to William K. Honker, (EPA) dated July 6, 2012.

Letter from Michael B. Sloane, New Mexico Department of Game and Fish (NMDGF), to Diane Smith, (EPA) dated April 27, 2012.

RESPONSE TO COMMENTS

Comment 1: NMED asks that the conflict in two separate footnotes in the permit; No's 11 and 13, be resolved as they conflict with each other. Footnote *11 states "Whole effluent toxicity testing shall be sampled during the first discharge after the permit effective date. See Part II, Whole Effluent Toxicity

testing requirements for additional WET monitoring and reporting conditions." Footnote *13 states "Sampling for the whole effluent toxicity test shall occur between April 1 and June 30."

Response 1: EPA concurs with the request. The language for footnote 13 is based on facilities that provide biological treatment and the effectiveness of these types of plants is reduced during the cooler months when aquatic organisms are spawning. Since the facility does not provide biological treatment, the testing during cooler months is not required. The final permit will eliminate footnote *13.

Comment 2: NMED states that allowing flow composite reporting for Outfalls 001 and 002 if both are discharging does not allow sufficient time to meet the 40 CFR Part 136 requirements that pH analysis be completed within 15-minutes from sample collection. The facility would have to measure the flow from the first outfall then collect a sample from that outfall, travel to the second outfall measure the second outfall's flow rate, collect that sample, calculate the percent of total sample from each outfall make the composite sample based on the flow rates, and then do the analysis. NMED requests either separate outfalls or a different method for performing the analysis and stay within the 40 CFR Part 136 requirements.

Response 2: The EPA agrees that pH sampling requirements need to be changed. Testing for pH is done in the field with a handheld test kit. The facility does not have activities that alter the pH of the water as it proceeds through the hatchery. The permit writer using his professional judgment considers that the pH effluent from each of the outfalls as consistent and representative of both. The final permit will eliminate Footnote #2 from pH reporting and allow either Outfall 001 or 002 to be monitored and reported for compliance purposes.

Comment 3: Both NMED and NMDGF note that monitoring frequency language in the fact sheet and the draft permit for E. coli, phosphorus and nitrogen conflict with each other. In addition, NMDGF requests that E. coli monitoring be reduced to once per six-months and total phosphorus (TP) and total nitrogen (TN) be reduced to once per quarter. The fact sheet stated that monitoring frequency for new pollutants E. coli bacteria, TP and TN are to be reported once per month during the compliance period phase for the interim phase only. After the first compliance period, the pollutants TP and TN are to be sampled and reported twice per month. The draft permit had twice per month monitoring for E. coli bacteria and for TP and TN during the interim and final phase of the permit and monthly for the initial phase of the permit.

Response 3: The fact sheet and permit had conflicting monitoring frequencies that the final permit will correct. EPA concurs with the request to lessen the monitoring frequency for E. coli, TP and TN although not at the frequencies requested by NMDGF. Since E. coli bacteria is not a typical pollutant from a fish hatchery, EPA agrees to lessen the monitoring frequency for E. coli bacteria but not as less frequent as NMDGF requests. Since the fact sheet was prepared sampling frequencies for nutrient guidelines have changed in light of the long term effect the pollutants TP and TN have on the environment. While some national discussions for TP and TN monitoring frequencies have considered yearly sampling as protective, the permit writer believes that once per quarter is appropriate. The final permit will require once per quarter monitoring and reporting for E. coli bacteria for all phases. The final permit will establish once per quarter monitoring for TP and TN for all phases.

Comment 4: The 2011 Rio Chama TMDLs includes both *Phase I* (Table 4.9) and *Phase n* (Table 4.10) effluent limits for Los Ojos in the Rio Chama (El Vado Reservoir to Rio Brazos) assessment unit. Very limited data from the hatchery was available during the development of the TMDL. Section 8.1 of the TMDL states:

“SWQB is recommending preliminary (*Phase I*) effluent limits of 0.24 mg/L and 3.0 mg/L for Total Phosphorus (TP) and Total Nitrogen (TN), respectively, when the NPDES permit is up for renewal. The TP limit was calculated by allocating 85% of the TMDL to the wasteload allocation. The TN limit is based on the annual average concentration for the limit of technology. Monitoring requirements for nutrients should be outlined in the new permit to gather baseline data, to determine the actual nutrient load from the hatchery, and to document the actual load reaching the Rio Chama. Any variation from preliminary levels that leads to excess nutrients entering the Rio Chama should result in more stringent effluent limits when the NPDES permit is up for renewal.”

Response 4: The EPA does not concur with the request to eliminate the *Phase n* nutrient limits in the permit. Regulations at 40 CFR §122.44(d)(1)(vii)(B), states that when developing water quality based effluent limits, the permitting authority shall ensure that effluent limits developed to protect a narrative water quality criteria, are consistent with the assumptions and requirements of any wasteload allocation for the discharge prepared by the State and approved by EPA pursuant to 40 CFR §130.7. The TMDL approved by the EPA August 16, 2011, established WLA's for both *Phase I* and *Phase n* nutrient limits. The compliance date(s) may extend past the permit term, but they must be established with a certain date. The EPA agrees with the NMED that timing needs to be considered.

Phase I Limits:

The facility has provided nutrient monitoring results from the discharge as follows:

Date	Total Nitrogen *1	Total Phosphorus
Sept - 2012	1.01 mg/l	0.29 mg/l
March - 2013	1.64 mg/l	0.20 mg/l
June - 2013	2.20 mg/l	0.52 mg/l

Footnote:

*1 Sum of Total Kjeldahl Nitrogen (TKN) and Nitrate + Nitrite

The facility also provided a schedule of activities/measures that it believes will enable them to achieve the interim phase limits for TP and TN. The measures identified and the time required for each are as follows:

1. From the permit effective date (PED) lasting until six (6) months after the PED, monitor the effluent to determine impact of recent operational changes. These changes have included the installation of hard bottom settling basins to assist in removing nutrient sediments, consolidation of effluent streams and the purchase of a vacuum truck to assist in sediment removal.

2. From the period beginning six (6) months after the PED and lasting until fifteen (15) months after the PED, refine operational techniques and install additional equipment to further reduce solids in the effluent.
3. From the period beginning fifteen (15) months after the PED and lasting until twenty-four (24) months after the PED, define and budget for structural and/or operational modifications to further reduce concentrations to achieve compliance.
4. From the period beginning twenty-four (24) months after the PED and lasting until twenty-seven (27) months after the PED, complete construction of structural and/or operational changes required as measure 3 above required to achieve the interim limits.
5. From period beginning twenty-seven (27) months after the PED and lasting until thirty (30) months after the PED, finalize final adjustments of structural and/or operational changes to achieve the interim limits. Full compliance with the interim limits are due no later than thirty (30) months after the PED.

The EPA believes that this schedule of compliance for the *Phase 1* limits is reasonable and meets the requirements of 40 CFR 122.47(1). The final permit will establish a thirty (30) month compliance period for meeting *Phase 1* TP and TN limits. The compliance schedule will establish the five measures identified by the permittee. The final permit will also establish once per quarter reporting of progress reports in accordance with provisions contained in 40 CFR 122.47. Reporting requirements shall include that no later than fourteen (14) days following each interim date and the final date of compliance, the permittee shall notify the Director in writing of its compliance or non-compliance with the interim or final requirements, or submit progress reports for interim requirements.

Phase n Limits:

EPA is required to limit the *Phase n* limits in this permit and the EPA acknowledges the difficulties of the level of treatment to achieve the limits based on the 2011 TMDL. In the final permit, the EPA shall establish a compliance schedule for *Phase n* limits. In its comments on the inclusion of *Phase n* limits in this permit the NMED SWQB stated:

“Five years is a short timeline for the facility to install/implement any necessary upgrades, for SWQB to perform the necessary nutrient surveys to determine the effect of the nutrient reduction strategies implemented by the hatchery, and for SWQB to update the WQMP via an updated Rio Chama TMDL.”

The EPA believes that given the time needed to meet the *Phase 1* limits established in this permit, for the stream to show expected improvements on the TP and TN instream levels achieved by the new *Phase 1* limits, providing time for the SWQB to perform follow-up nutrient surveys of the Rio Chama, time for an updated assessment and then providing time to the facility to determine what additional measures would be required to meet the verified or changed TMDL values. The EPA believes a compliance period of nine-years (9) and six (6) months from this permit's PED is appropriate. The EPA will in this final permit include broad measures to meet the *Phase n* limits. The intent is that in the next permit renewal cycle; five years after this final permit's PED, new information made available in the period between this permits PED and the next five (5) years will enable the EPA at that time to establish more detailed compliance measures to meet the *Phase n* limits in the next permit cycle. Previously noted, regulations at 40 CFR 122.47 requires that when a permit establishes a schedule of compliance

which exceeds 1 year from the PED, the schedule shall set forth interim requirements and their dates for achievement and also requires that if the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a completion date. However, since the activities required to achieve *Phase n* limitations are not as clearly known at this time based on factors not yet known, the final permit for the *Phase n* limits will require upon completion of existing *Phase 1* limits, annual reports of activities and measures it is working on to meet the *Phase n* limits as established in this permit. As noted above the intent is that during the renewal of the permit five-years from this PED, knowledge will have increased both regarding advancements in TP and TN treatment technology and in-stream conditions after a follow-up Rio Chama assessment and analysis and more detailed activities may be placed in the permit at that time to achieve *Phase n* limits.

To summarize the actions made based on the responses to **Comment No. 4**, the final permit will establish a thirty (30) month compliance period after the PED for meeting *Phase 1* TP and TN limits with quarterly reporting of activities to achieve these limits. Additionally, the final permit will establish a *Phase n* compliance period of nine-years (9) and six (6) months from the PED with annual reporting requirements commencing on either thirty (30) months from the PED or upon achieving the *Phase 1* limits, whichever occurs first, on studies, plans, investment requirements and other measures including structural and operational activities to meet *Phase n* limits.

Comment 5: NMDGF notes several fact sheet edits that need revision. The correct hatchery name is Los Ojos State Fish Hatchery and not Los Ojos Trout Hatchery. The hatchery raises kokanee salmon and not kokanee trout and no longer raises brown trout. In Section III of the fact sheet, the pollutant copper concentration is 1.12 ug/l and not 1.2 ug/l.

Response 5: Noted in the administrative record. The change in copper concentration did not affect the RP or requirement for a copper limit as the analysis on the 1.2 ug/l did not trigger an RP concern, so the lower 1.12 ug/l copper analysis would also not trigger an RP concern. No changes are made to the final permit based on these comments.

Comment 6: NMDGF states that water flow into the hatchery is owned and controlled by the La Puente Ditch Association after leaving the hatchery as it directs. Once the water leaves the hatchery building at both Outfalls 001 and 002, all or partially the flow may be diverted to irrigation, or the two ponds; Upper Laguna del Campo or the Laguna del Campo, then again flow from the ponds may be diverted again after the ponds before reaching the Rio Chama. NMDGF requests that the discharge path from Outfall 001 be amended to an unnamed ditch where it then flows to Upper Laguna del Campo, thence to Laguna del Campo, thence to either the La Puente Ditch for irrigation purposes and/or to the Rio Chama in Segment 20.6.4.119 of the Rio Grande Basin. Discharge from Outfall 002 should be amended to the La Puente Ditch thence all to irrigation or partially to irrigation and partially to the Laguna del Campo, thence to either irrigation in total or partially thence to the Rio Chama in Segment 20.6.4.119 of the Rio Grande Basin.

Response 6: The EPA notes the diverse path the discharge may take. The discharge from the hatchery may at times never reach the Rio Chama. The final permit will make the changes as noted.

Comment 7: NMDGF requests that the requirement to submit quarterly progress reports for E. coli bacteria, TP and TN be discontinued when the permit limits are met.

Response 7: The EPA concurs with the request for E. coli bacteria. The final permit will in Section B, Part I of the permit add language that states "The requirement to submit quarterly progress reports for E. coli bacteria shall expire either one (1) year from the PED or when the facility meets the permit limits, whichever occurs first." However, based on **Response No. 4** above, reporting requirements have been established for each activity. For *Phase 1* TP and TN limits, quarterly reporting will be required. For *Phase n* TP and TN limitations, annual reporting shall be required.

Comment 8: NMDGF requests that the requirement to submit quarterly progress reports for TP and TN be discontinued if interim phase limits remain unchanged during the final phase and the interim limits remain unchanged.

Response 8: See **Response No. 4** above. This comment has been addressed by the changes made to the permit based on that response.



REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0030139

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

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

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

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

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

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

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

This permit shall become effective on November 1, 2013

This permit and the authorization to discharge shall expire at midnight, October 31, 2018

Issued on September 25, 2013

Prepared by

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

Laurence E. Giglio
Environmental Engineer
Permits & Technical Section (6WQ-PP)

DOCUMENT ABBREVIATIONS

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

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

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

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

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated wastewater from Outfall 001 an unnamed ditch where it then flows to Upper Laguna del Campo, thence to Laguna del Campo, thence to either the La Puente Ditch for irrigation purposes and/or to the Rio Chama. Discharge from Outfall 002 is to the La Puente Ditch thence all to irrigation or partially to irrigation and partially to the Laguna del Campo, thence to either irrigation in total or partially thence to the Rio Chama in Segment 20.6.4.119 of the Rio Grande Basin. Such discharges shall be limited and monitored by the permittee and reported as Outfall 001, as specified below.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units		MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT	MINIMUM	MAXIMUM		
pH (*11)	6.6	8.8	2/Month	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted (*1)		MEASUREMENT FREQUENCY	SAMPLE TYPE
POLLUTANT	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX		
Flow	Report MGD	Report MGD	***	***	Once/Day	Total Flow (*4)
Total Suspended Solids	Report	Report	10	15	2/Month	Sediment Grab (*3)
Settleable Solids	N/A	N/A	0.1 ml/l	0.5 ml/l	2/Month	Sediment Grab (*3)
E. coli bacteria (*6)	N/A	Report	Report	Report	Once/Quarter	Flow Composite (*2)
E. coli bacteria (*7)	N/A	13.5 (*5)	126 (*12)	235 (*12)	Once/Quarter	Flow Composite (*2)
Nitrogen, Total, Report (*8)	Report	Report	Report	Report	Once/Quarter	Flow Composite (*2)
Nitrogen, Total, Interim (*9)	70.6	Report	3.0	4.5	Once/Quarter	Flow Composite (*2)
Nitrogen, Total, Final (*10)	5.88	Report	0.25	0.375	Once/Quarter	Flow Composite (*2)
Phosphorus, Total, Report (*8)	Report	Report	Report	Report	Once/Quarter	Flow Composite (*2)
Phosphorus, Total, Interim (*9)	5.66	Report	0.24	0.36	Once/Quarter	Flow Composite (*2)
Phosphorus, Total, Final (*10)	1.65	Report	0.07	0.105	Once/Quarter	Flow Composite (*2)

EFFLUENT CHARACTERISTICS	DISCHARGE MONITORING		MONITORING REQUIREMENTS	
	30-DAY AVG	7-DAY MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
WHOLE EFFLUENT TOXICITY TESTING (7-Day NOEC) (*13)				
Ceriodaphnia dubia	Report	Report	Once/Term (*14)	Flow Composite (*2)
Pimephales promelas	Report	Report	Once/Term (*14)	Flow Composite (*2)

Footnotes:

- *1 See **Appendix A of Part II** of the permit for minimum quantification limits.
- *2 Flow Composite: Obtain a grab aliquot and record the flow from each outfall. Make a composite sample by mixing each individual outfall's aliquot in proportion to the flow from each to the sum of the total flow. In the event during a reporting period that discharge is only from one outfall, submit a grab sample from the discharging outfall and note on the discharge monitoring form which outfall is discharging."
- *3 Sediment Grab: Obtain a grab aliquot and record the flow from each outfall during periods of raceway cleaning. After both outfalls have been sampled and flows recorded, make a composite sample by mixing each individual outfall's aliquot in proportion to the flow from each outfall to the sum of the total flow. In the event during a reporting period that discharge from either outfall is not associated with a cleaning event submit a grab sample from the discharging outfall and note on the discharge monitoring form which outfall is discharging.
- *4 Flow shall be recorded from each outfall by measuring flow over the weir. The flow from each outfall shall be totaled, and reported on the discharge monitoring report.
- *5 Billion (1.0×10^9) units are either cfu/day or Mean Probable Number (MPN). Mass loading limit calculated as follows; [Flow in MGD \times 126 cfu/100 ml OR 126 MPN \times 3.79×10^7]
- *6 Requirements for E. coli bacteria are effective during the period beginning the effective date of the permit and lasting through one (1) year after the permit effective date or date of compliance, whichever is first.
- *7 Requirements for E. coli bacteria limits are effective during the period beginning one (1) year after the permit effective date and lasting until the permit expiration date.
- *8 Requirements for Report total phosphorus (TP) and total nitrogen (TN) are effective during the period beginning the effective date of the permit and lasting through either one (1) day prior to thirty (30) months after the permit effective date (PED), or compliance with the Phase 1 limits, whichever is first.
- *9 Requirements for Interim TP and TN are effective during the period beginning thirty (30) months after the PED, or compliance with the Phase 1 limits, whichever is first and lasting until either nine (9) years and six (6) months after the PED, or compliance with Phase n limits, whichever is first.
- *10 Requirements for Final TP and TN are effective during the period beginning nine (9) years and six (6) months after the PED.
- *11 The sample for pollutant pH shall be taken from either Outfall 001 or Outfall 002, and reported as Outfall 001 on the DMR.
- *12 Units are either cfu/100 ml or most probable number (MPN) depending on the analytical method.
- *13 Whole effluent toxicity testing shall be sampled during the first discharge after the permit effective date. See Part II, Whole Effluent Toxicity testing requirements for additional WET monitoring and reporting conditions.
- *14 Once per permit term. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. EPA will review the test results and determine the appropriate action necessary, if any. (See Part II)

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

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

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

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

Footnotes:

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

FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS

There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit prior to the receiving stream. The sample point shall be clearly marked by the facility if it is not at the final outfall location. There shall be no flow from any source into the piping system after the sample point and prior to the final outfall.

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

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

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

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

2. INTERIM Phase 1 Total Phosphorus and Total Nitrogen

The permittee shall comply with the following schedule of activities for the attainment of state water quality standards-based interim effluent limitations for Phase 1 total phosphorus (TP) and total nitrogen (TN), at Final Outfall 001.

1. From the permit effective date (PED) lasting until six (6) months after the PED, monitor the effluent to determine impact of recent operational changes. These changes

have included the installation of hard bottom settling basins to assist in removing nutrient sediments, consolidation of effluent streams and the purchase of a vacuum truck to assist in sediment removal.

2. From the period beginning six (6) months after the PED and lasting until fifteen (15) months after the PED, refine operational techniques and install additional equipment to further reduce solids in the effluent.
3. From the period beginning fifteen (15) months after the PED and lasting until twenty-four (24) months after the PED, define and budget for structural and/or operational modifications to further reduce concentrations to achieve compliance.
4. From the period beginning twenty-four (24) months after the PED and lasting until twenty-seven (27) months after the PED, complete construction of structural and/or operational changes required as measure 3 above required to achieve the interim limits.
5. From period beginning twenty-seven (27) months after the PED and lasting until thirty (30) months after the PED, finalize final adjustments of structural and/or operational changes to achieve the interim limits. Full compliance with the interim limits are due no later than thirty (30) months after the PED.

The permittee shall submit quarterly progress reports, to both EPA and NMED, in accordance with the above schedule. The requirement to submit quarterly progress reports shall expire either thirty (30) months from the PED or when the facility meets the permit limits, whichever occurs first. No later than 14-days after the date compliance with the **Phase 1 TP and TN interim limits** have been met; the permittee shall submit a written final report both to EPA and the State, stating that compliance has been completed. If at any time during the thirty (30 month) compliance period the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to both EPA and the State stating the explanation for this delay and proposed remedial actions.

3. **FINAL Phase n Total Phosphorus and Total Nitrogen**

The permittee shall comply with the following schedule of activities for the attainment of state water quality standards-based final effluent limitations for Phase n TP and TN, at Final Outfall 001.

- a. Determine exceedance cause(s);
- b. Develop control options, if needed;
- c. Evaluate and select control mechanisms;
- d. Implement corrective action; and
- e. Attain interim effluent limitations no later than five (5) years from the PED.

The permittee shall submit annual progress reports, to both EPA and NMED, in accordance with the following schedule. The requirement to submit annual progress reports shall expire either nine (9) years and six (6) months from the PED or when the facility meets the permit limits, whichever occurs first. No later than 14-days after the date compliance with the **Phase n TP and TN interim limits** have been met; the permittee shall submit a written final report both to EPA and the State, stating that compliance has been completed. If at any time during the thirty (30 month) compliance period the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to both EPA and the State stating the explanation for this delay and proposed remedial actions.

4. **Compliance Progress Reporting – E. Coli Bacteria and Interim Phase 1 TP and TN Limitations – Quarterly Reporting**

The compliance schedules shown above for E. coli bacteria and Phase 1 TP and TN, shall report progress reports according to the following schedule:

PROGRESS REPORT DATES

January 1
April 1
July 1
October 1

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

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

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

4. **Compliance Progress Reporting – Final Phase n TP and TN Limitations – Annual Reporting**

The compliance schedules shown above for Phase n TP and TN shall report progress reports according to the following schedule:

PROGRESS REPORT DATES

January 1: Starting with the first January after the completion of Interim Phase 1 TP and TN limits. Report on the items identified in No. 3 above.

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

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

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

C. MONITORING AND REPORTING (MINOR DISCHARGERS)

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

1. Reporting periods shall end on the last day of the months March, June, September, and December.
2. The permittee is required to submit regular quarterly reports as described above postmarked no later than the 28th day of the month following each reporting period.
3. NO DISCHARGE REPORTING

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

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

See list of MQL's at Appendix A of Part II below. For pollutants listed on Appendix A of Part II below with MQL's, analyses must be performed to the listed MQL. If any individual analytical test result is less than the MQL listed, a value of zero (0) may be used for that pollutant result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

In addition, any additional pollutant sampling for purposes of this permit, including renewal applications or any other reporting, shall be tested to the MQL shown on the attached Appendix A of Part II.

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

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

Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future DMR reporting requirements until/or unless changes are required for adoption of a lower MQL.

B. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, and concurrently to NMED within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

NONE

C. PERMIT MODIFICATION AND REOPENER

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

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

D. WHOLE EFFLUENT TOXICITY TESTING (7 DAY CHRONIC NOEC FRESHWATER)

1. SCOPE AND METHODOLOGY

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

APPLICABLE TO FINAL OUTFALL(S):	001
REPORTED ON DMR AS FINAL OUTFALL:	001
EFFLUENT DILUTION SERIES:	10%, 14%, 18%, 24%, and 32%
CRITICAL DILUTION:	24%
EFFLUENT DILUTION SERIES:	75%
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

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

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

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

failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.

- c. The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the lethal or sub-lethal endpoint at or below the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period. The purpose of additional tests (also referred to as 'retests' or confirmation tests) is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.
- d. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- e. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

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

- i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.

- iii. 60% of the surviving control females must produce three broods. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the *Ceriodaphnia dubia* reproduction test; the growth and survival endpoints of the Fathead minnow test.
- v. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the young of surviving females in the *Ceriodaphnia dubia* reproduction test; the growth and survival endpoints of the Fathead minnow test.
- vii. A PMSD range of 13 - 47 for *Ceriodaphnia dubia* reproduction;
- viii. A PMSD range of 12 - 30 for Fathead minnow growth.

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

b. Statistical Interpretation

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

c. Dilution Water

- i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
 - (A) Toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - (B) Toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:
 - (A) A synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
 - (B) The test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
 - (C) The permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and
 - (D) The synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above.
- ii. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

- iii. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 4 degrees Centigrade during collection, shipping, and/or storage.
- iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 4 of this section.

3. REPORTING

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

such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

i. *Pimephales promelas* (Fathead Minnow)

(A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a 1; otherwise, enter a 0 for Parameter No. TLP6C

(B) Report the NOEC value for survival, Parameter No. TOP6C

(C) Report the LOEC value for survival, Parameter No. TXP6C

(D) Report the NOEC value for growth, Parameter No. TPP6C

(E) Report the LOEC value for growth, Parameter No. TYP6C

(F) If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a 1; otherwise, enter a 0 for Parameter No. TGP6C

(G) Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6C

ii. *Ceriodaphnia dubia*

(A) If the NOEC for survival is less than the critical dilution, enter a 1; otherwise, enter a 0 for Parameter No. TLP3B

(B) Report the NOEC value for survival, Parameter No. TOP3B

(C) Report the LOEC value for survival, Parameter No. TXP3B

(D) Report the NOEC value for reproduction, Parameter No. TPP3B

(E) Report the LOEC value for reproduction, Parameter No. TYP3B

(F) If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a 1; otherwise, enter a 0 for Parameter No. TGP3B

(G) Report the higher (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B

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

- i. For retest number 1, Parameter 22415, enter a 1 if the NOEC for survival is less than the critical dilution; otherwise, enter a 0
- ii. For retest number 2, Parameter 22416, enter a 1 if the NOEC for survival is less than the critical dilution; otherwise, enter a 0.

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

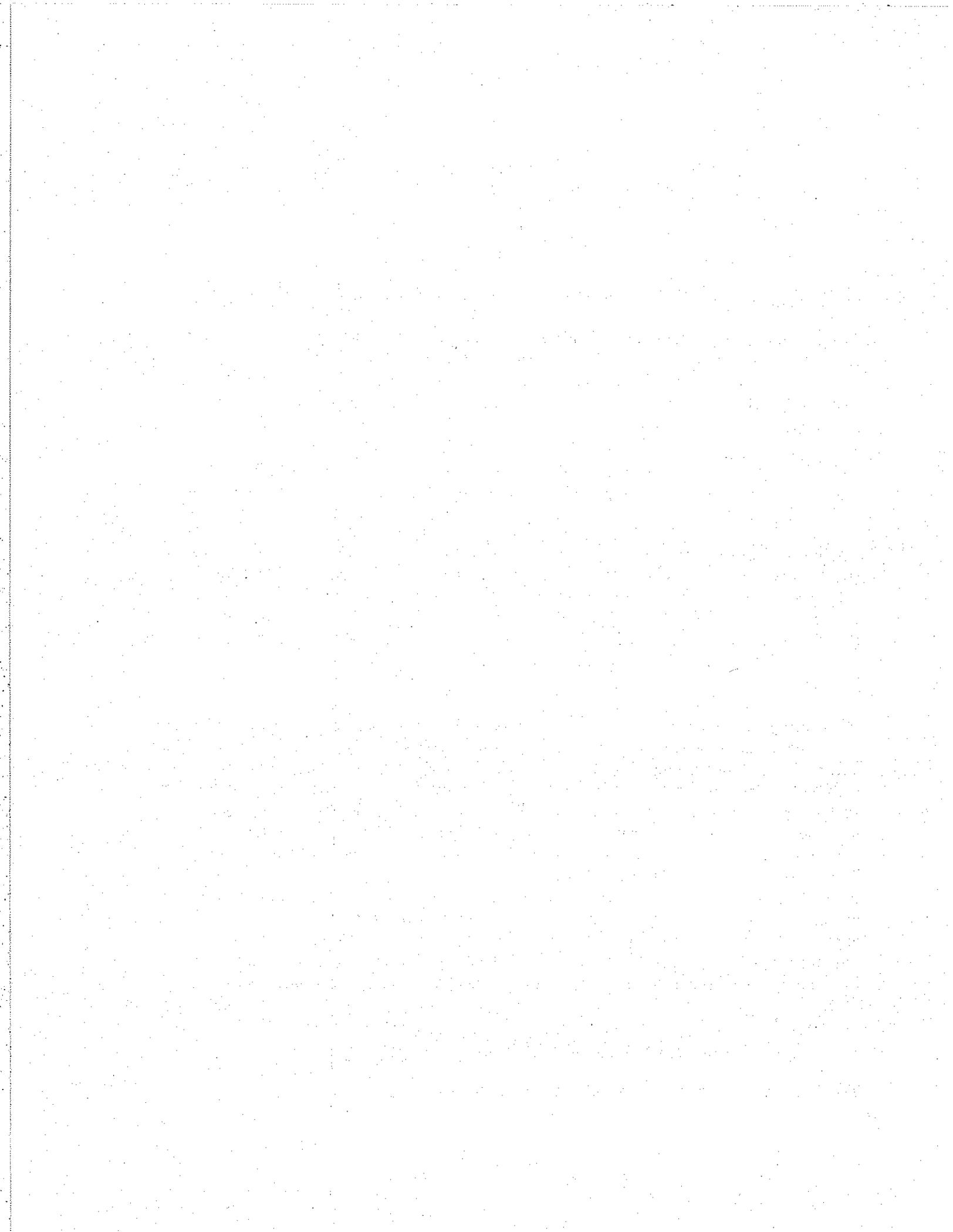
Anytime drugs, medications and chemicals (DMC), at either concentrations and/or uses not approved by the Food and Drug Administration (FDA), are used either in amounts or a manner that it would allow it to enter the receiving stream; the Department of Game and Fish (DGF) shall notify both EPA and NMED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

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

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

F. CHLORINE DISCHARGE PROHIBITION

The discharge of chlorine is prohibited in the permit.



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 µg/l	POLLUTANTS	MQL µg/l
METALS, RADIOACTIVITY, CYANIDE and CHLORINE			
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		
DIOXIN			
2,3,7,8-TCDD	0.00001		
VOLATILE COMPOUNDS			
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		
ACID COMPOUNDS			
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

POLLUTANTS	MQL µg/l	POLLUTANTS	MQL µg/l
BASE/NEUTRAL			
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		
PESTICIDES AND PCBS			
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 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. Notification shall be made to the EPA at the following e-mail address: R6_NPDES_Reporting@epa.gov, as soon as possible, but within 24 hours from the time the permittee becomes aware of the circumstance. Oral notification shall also be to the New Mexico Environment Department at (505) 827-0187 as soon as possible, but within 24 hours from the time the permittee becomes aware of the circumstance. 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 silvicultural 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. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, 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. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 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. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

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 \$37,500 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 \$16,000 per violation nor shall the maximum amount exceed \$37,500.

b. CLASS II PENALTY

Not to exceed \$16,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$177,500.

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 =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$
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.

