



Region 6
1201 Elm Street
Dallas, Texas 75270

NPDES Permit No. NM0022292

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

City of Santa Fe Paseo Real WWTP
P.O. Box 909
Santa Fe, NM 87504-0909

is authorized to discharge to receiving waters named Santa Fe River in Segment No. 20.6.4.113 of the Rio Grande Basin, from a facility located at 73 Paseo Real, Santa Fe, in Santa Fe County, New Mexico.

The discharge is located on that water at the following coordinates:

Outfall 001: Latitude 35° 37' 52.41" N, Longitude 106° 05' 18.88" W

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV hereof.

This permit supersedes and replaces NPDES Permit No. NM0022292 issued on July 1, 2016.

This permit prepared by Quang Nguyen, Environmental Engineer, Permitting Section (6WQ-PE) shall become effective on September 1, 2021

This permit and the authorization to discharge shall expire at midnight, August 31, 2026.

Issued on July 29, 2021

Charles W. Maguire
Director
Water Division (6WQ)

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS.

Final Effluent limits – 13 MGD Design Flow

During the period beginning the effective date of this permit and lasting through the expiration date of this permit (unless otherwise noted), the permittee is authorized to discharge treated municipal wastewater to the Santa Fe River, in Segment Number 20.6.4.113, from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

| POLLUTANT | MINIMUM | MAXIMUM | MEASUREMENT FREQUENCY | SAMPLE TYPE |
|-----------|-------------------------|-----------------------|-----------------------|--------------------|
| pH | 6.6 Standard Units (*2) | 9 Standard Units (*2) | Daily | Instantaneous Grab |

| POLLUTANT | 30-DAY AVG | DAILY MAX | 7-DAY AVG | 30-DAY AVG | 7-DAY AVG | DAILY MAX | MEASUREMENT FREQUENCY | SAMPLE TYPE |
|---|-------------------------|------------------|------------|----------------|--------------|--------------|-----------------------|----------------------|
| Flow | Report MGD | Report MGD | Report MGD | *** | *** | *** | Daily | Totalizing Meter |
| Carbonaceous Biochemical Oxygen Demand (5-day) | 709 lbs/day (*2) | N/A | Report | 10 mg/l (*2) | 15 mg/l (*2) | N/A | Daily | 24-Hr Composite (*7) |
| Total Suspended Solids | 2127 lbs/day (*9) | N/A | Report | 30 mg/l | 45 mg/l | N/A | Daily | 24-Hr Composite (*7) |
| Carbonaceous Biochemical Oxygen Demand (5-day) % removal, minimum | ≥ 85% | --- | --- | --- | --- | --- | 1/Week | Calculation (*6) |
| Total Suspended Solids % removal, minimum | ≥ 85% | --- | --- | --- | --- | --- | 1/Week | Calculation (*6) |
| E. coli Bacteria | 31 billion cfu/day (*8) | N/A | N/A | 126(*3) | N/A | 410(*3) | Daily | Grab |
| Total Phosphorous | 108 lbs/day | Report | N/A | 3.1 mg/l | N/A | Report | 3/Month | 24-Hr Composite (*7) |
| Total Nitrogen | 265 lbs/day | Report | N/A | 6.9 mg/l | N/A | Report | 3/Month | 24-Hr Composite (*7) |
| Dissolved Oxygen | Report | N/A | N/A | Minimum 5 mg/l | | | Daily | Instantaneous Grab |
| Total Residual Chlorine | N/A | N/A | N/A | N/A | N/A | 11 ug/l (*4) | Daily | Instantaneous Grab |
| Copper | 3.28 lbs/day | 3.28 lbs/day | N/A | 6.02 ug/L | N/A | 6.02 ug/L | Daily | Grab |
| Cyanide | 0.56 lbs/day | 0.56 lbs/day | N/A | 5.2 ug/L | N/A | 5.2 ug/L | Daily | Grab |
| Heptachlor | 8.57E-05 lbs/day | 8.57E-05 lbs/day | N/A | 0.0008 ug/L | N/A | 0.0008 ug/L | Daily | Grab |

| Whole Effluent Toxicity (7-Day Chronic Static Renewal /NOEC)*5 | VALUE | Measurement Frequency | Sample Type |
|--|--------------|------------------------------|--------------------|
| <i>Ceriodaphnia dubia</i> | Report | Once/Quarter | 24-hr Composite |
| <i>Pimephales promelas</i> | Report | Once/Quarter | 24-hr Composite |

Footnotes:

- *1 See Appendix A of Part II of the permit for minimum quantification limits.
- *2 Permit limits are based on EPA approved 2001 TMDLs developed for the Santa Fe River since they are more stringent than the technology-based limits. Loading limits determined based on a design flow of 8.5 MGD.
- *3 Colony forming units (cfu) per 100ml or Most Probable Number (MPN). The E. coli bacteria 30-day average is the geometric mean of the values for all effluent samples collected during a calendar month.
- *4 TRC shall be measured during periods when chlorine is used as either backup bacteria control, when disinfection of plant treatment equipment is required or when used for filamentous algae control. Regulations at 40 CFR Part 136 define “instantaneous grab” as analyzed within 15 minutes of collection. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
- *5 Monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit, Whole Effluent Toxicity Testing Requirements for additional WET monitoring and reporting conditions. Grab samples are allowed per method, if needed.
- *6 Percent removal is calculated using the following equation: $[(\text{average monthly influent concentration} - \text{average monthly effluent concentration}) \div \text{average monthly influent concentration}] \times 100$.
- *7 24-hour composite sample consists of a minimum of twelve (12) effluent portions collected at equal time intervals over a 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.
- *8 Permit mass loading limit is based on EPA approved 2017 TMDL developed for the Santa Fe River. Loading limits determined based on a design flow of 13 MGD. Billion (1.0×10^9) cfu/day. The loading limit shall be calculated as follows: $[\text{Flow in MGD} \times \text{cfu}/100 \text{ mL in effluent} \times 3.79 \times 10^7] / 1.0 \times 10^9$.
- *9 Permit limits are based on EPA approved 2000 TMDLs developed for the Santa Fe River since they are more stringent than the technology-based limits.

FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS

The discharge shall be free of oils, scum, grease, and other floating materials resulting from other than natural causes that would cause the formation of a visible sheen or visible deposits on the bottom or shoreline, or would damage or impair the normal growth, function or reproduction of human, animal, plant, or aquatic life.

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the Copper effluent limitations specified for discharges in accordance with the following schedule:

ACTIVITY

DATE OF COMPLETION

Achieve Final Effluent Limitations 12 months after permit effective date

- a. The permittee shall submit a progress report to both EPA and NMED outlining the status of the activities (i.e., analyzers installation, Process Optimization Study, etc.) during the months of January, April, July, and October until compliance is achieved as stated above.
- b. No later than 14 calendar days following the date for compliance for Copper effluent limitations, the permittee shall submit a written notice of compliance or noncompliance. The written notice shall report on all tasks that were done to achieve compliance.
- c. Where the project completion reported is less than would be required to assure compliance by the required date, the report of progress shall also include an explanation for this delay and proposed remedial actions.

SECTION C - MONITORING AND REPORTING

1. The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.
2. All DMRs shall be electronically reported per 40 CFR 127.16. 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 and copies to NMED as required (See Part III.D.IV of the permit). Reports shall be submitted monthly.

- a. Reporting periods shall end on the last day of each month.
 - b. The permittee is required to submit regular monthly reports no later than the 15th day of the month.
 - c. The annual sludge report required in Part IV of the permit is due on February 19 of each year and covers the previous calendar year from January 1 through December 31.
3. If any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value exceeds the effluent limitations specified in Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.
4. Any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value reported in the required Discharge Monitoring Report which is in excess of the effluent limitation specified in Part I.A shall constitute evidence of violation of such effluent limitation and of this permit.
5. Other measurements of oxygen demand (e.g., TOC and COD) may be substituted for five day Biochemical Oxygen Demand (BOD₅) or for five day Carbonaceous Biochemical Oxygen Demand (CBOD₅), as applicable, where the permittee can demonstrate long term correlation of the method with BOD₅ or CBOD₅ values, as applicable. Details of the correlation procedures used must be submitted and prior approval granted by the permitting authority for this procedure to be acceptable. Data reported must also include evidence to show that the proper correlation continues to exist after approval.
6. The permittee shall report all overflows with the Discharge Monitoring Report submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of the overflow; observed environmental impacts from the overflow; actions taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary). Overflows that endanger health or the environment shall be orally reported to EPA at (214) 665-6595, and NMED Surface Water Quality Bureau at (505) 827-0187, within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows that endanger health or the environment shall be

provided to EPA and NMED Surface Water Quality Bureau within 5 days of the time the permittee becomes aware of the circumstance.

D. POLLUTION PREVENTION REQUIREMENTS

The permittee shall institute a program within 12 months of the effective date of the permit (or continue an existing one) directed towards optimizing the efficiency and extending the useful life of the facility. The permittee shall consider the following items in the program:

- a. The influent loadings, flow and design capacity;
- b. The effluent quality and plant performance;
- c. The age and expected life of the wastewater treatment facility's equipment;
- d. Bypasses and overflows of the tributary sewerage system and treatment works;
- e. New developments at the facility;
- f. Operator certification and training plans and status;
- g. The financial status of the facility;
- h. Preventative maintenance programs and equipment conditions, and;
- i. An overall evaluation of conditions at the facility.

PART II - OTHER CONDITIONS

A. MINIMUM QUANTIFICATION LEVEL (MQL) & SUFFICIENTLY SENSITIVE METHODS

EPA-approved test procedures (methods) for the analysis and quantification of pollutants or pollutant parameters, including for the purposes of compliance monitoring/DMR reporting, permit renewal applications, or any other reporting that may be required as a condition of this permit, shall be sufficiently sensitive. A method is “sufficiently sensitive” when (1) the method minimum level (ML) of quantification is at or below the level of the applicable effluent limit for the measured pollutant or pollutant parameter; or (2) if there is no EPA-approved analytical method with a published ML at or below the effluent limit (see table below), then the method has the lowest published ML (is the most sensitive) of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or (3) the method is specified in this permit or has been otherwise approved in writing by the permitting authority (EPA Region 6) for the measured pollutant or pollutant parameter. The Permittee has the option of developing and submitting a report to justify the use of matrix or sample-specific MLs rather than the published levels. Upon written approval by EPA Region 6 the matrix or sample-specific MLs may be utilized by the Permittee for all future Discharge Monitoring Report (DMR) reporting requirements.

Current EPA Region 6 minimum quantification levels (MQLs) for reporting and compliance are provided in Appendix A of Part II of this permit. The following pollutants may not have EPA-approved methods with a published ML at or below the effluent limit, if specified:

| POLLUTANT | CAS Number | STORET Code |
|-------------------------|-------------------|--------------------|
| Total Residual Chlorine | 7782-50-5 | 50060 |
| Cadmium | 7440-43-9 | 01027 |
| Silver | 7440-22-4 | 01077 |
| Thallium | 7440-28-0 | 01059 |
| Cyanide | 57-12-5 | 78248 |
| Dioxin (2,3,7,8-TCDD) | 1764-01-6 | 34675 |
| 4,6-Dinitro-O-Cresol | 534-52-1 | 34657 |
| Pentachlorophenol | 87-86-5 | 39032 |
| Benzidine | 92-87-5 | 39120 |
| Chrysene | 218-01-9 | 34320 |
| Hexachlorobenzene | 118-74-1 | 39700 |
| N-Nitrosodimethylamine | 62-75-9 | 34438 |
| Aldrin | 309-00-2 | 39330 |
| Chlordane | 57-74-9 | 39350 |
| Dieldrin | 60-57-1 | 39380 |
| Heptachlor | 76-44-8 | 39410 |
| Heptachlor epoxide | 1024-57-3 | 39420 |
| Toxaphene | 8001-35-2 | 39400 |

Unless otherwise indicated in this permit, if the EPA Region 6 MQL for a pollutant or pollutant parameter is sufficiently sensitive (as defined above) and the analytical test result is less than the MQL, then a value of zero (0) may be used for reporting purposes on DMRs. Furthermore, if the

EPA Region 6 MQL for a pollutant or parameter is not sufficiently sensitive, *but* the analytical test result is less than the published ML from a sufficiently sensitive method, then a value of zero (0) may be used for reporting purposes on DMRs.

B. 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 the New Mexico’s Water Quality Standards for Interstate and Intrastate Streams are revised or new State of New Mexico Water Quality Standards are established and/or remanded..

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

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

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State of New Mexico NPDES permitting authority.

1.SCOPE AND METHODOLOGY

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

| APPLICABLE TO FINAL OUTFALL(S) 001 | |
|------------------------------------|---|
| REPORTED AS FINAL OUTFALL | 001 |
| CRITICAL DILUTION (%) | 100% |
| EFFLUENT DILTION SERIES (%) | 32%, 42%, 56%, 75%, 100% |
| TEST SPECIES AND METHODS | Ceriodaphnia dubia / Method 1002.0 (EPA-821-R-02-013 or latest version) |
| | Pimephales promelas/ Method 1000.0 (EPA/821/R-02-013 or latest version) |
| SAMPLE TYPE | Defined in PART I |

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

- c. This permit may be reopened to require WET limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. REQUIRED TEST ACCEPTABILITY CRITERIA AND TEST CONDITIONS

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:

| Condition/Criteria | <i>Ceriodaphnia dubia</i> | <i>Pimephales promelas</i> |
|--|---|---|
| Test Duration | Until 60% or more of surviving control females have 3 broods (max 8 days) | 7 days |
| # of replicates per concentration | 10 | 5 |
| # of organisms per replicate | 1 | 8 |
| # or organisms per concentration | 10 | 40 (minimum) |
| # of test concentrations per effluent | 5 and a control | 5 and a control |
| Holding time * | 36 hours for first use | 36 hours for first use |
| Sampling Requirement * | Minimum of 3 samples | Minimum of 3 samples |
| Test Acceptability Criteria | ≥80% survival of all control organisms. | ≥80% survival of all control organisms. |
| | Average of 15 or more neonates per surviving control female. | Average dry weight per surviving organism in control must be ≥0.25mg. |
| | 60% of surviving control females must produce 3 broods. | |
| Coefficient of Variation ** | 40% or less, unless significant effects are exhibited. | 40% or less unless significant effects are exhibited. |
| Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint ** | 13 – 47 | 12 - 30 |

* 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 and the minimum number of effluent portions 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, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.

**Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.

- a. Statistical Interpretation

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 the appropriate method manual listed in Part II or the most recent update thereof.

b. Dilution Water

- 1) 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;
 - i. toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - ii. toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

- 2) If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria), 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:
 - i. a synthetic dilution water control which fulfills the test acceptance requirements was run concurrently with the receiving water control;
 - ii. the test indicating receiving water toxicity has been carried out to completion,
 - iii. the permittee includes all test results indicating receiving water toxicity with the full report and information required; and
 - iv. 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.

c. Samples and Composites

- 1) The permittee shall collect a minimum of three samples (flow-weighted composite if possible) from the outfall(s).

- 2) The permittee shall collect a second and third sample (composite samples if possible) for use during the 24-hour renewal of each dilution concentration for each test. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours for first use of the sample. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage. A holding time up to 72 hrs is allowed upon notification to EPA and NMED of the need for additional holding time.

- 3) The permittee must collect the composite samples such that the effluent samples are representative of the discharge duration, and of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this part in accordance with the Report Preparation Section of the most current publication of the method manual, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report and submit them upon the specific request of the Agency. For any test which fails, is considered invalid, or which is terminated early for any reason, the full report must be submitted for agency review.
- b. A valid test for each species must be reported during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. One set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. Additional results are reported under the retest codes below.
- c. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

| Reporting Requirement | Parameter STORET CODE | |
|--|---------------------------|----------------------------|
| | <i>Ceriodaphnia dubia</i> | <i>Pimephales promelas</i> |
| Enter a "1" if the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, otherwise enter a "0". | TLP3B | TLP6C |
| Report the NOEC value for survival | TOP3B | TOP6C |
| Report the LOEC value for survival | TXP3B | TXP6C |
| Enter a "1" if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a "0". | TGP3B | TGP6C |
| Report the NOEC value for growth or reproduction | TPP3B | TPP6C |
| Report the LOEC value for growth | TYP3B | TYP6C |
| Report the highest (critical dilution or control) Coefficient of Variation | TQP3B | TQP6C |
| (If required) Retest 1 – Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0". | 22418 | 22415 |
| (If required) Retest 2- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0". | 22419 | 22416 |
| (If required) Retest 3- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0". | 51444 | 51443 |

4. MONITORING FREQUENCY REDUCTION

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for a test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the vertebrate species) and not less than twice per year for the more sensitive test species (usually the invertebrate species).

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- b. Certification - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria above. In addition, the permittee must provide a list with each test performed including test initiation date, species, and NOECs. Upon review and acceptance of this information, the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's compliance section to update the permit reporting requirements.
 - c. Failures - If any test demonstrates lethal or sub-lethal effects at or below the critical dilution at any time during the life of this permit, three monthly retests are required. If a frequency reduction had been granted, the monitoring frequency for the affected test species reverts to once per quarter until the permit is re-issued.
 - d. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

5.PERSISTENT TOXICITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. Significant toxic effects, are herein defined as a statistically significant difference at the 95% confidence level between the survival, growth or reproduction of the appropriate test organism in a specified effluent dilution and the control (0% effluent). If the initial WET test conducted fails, the permittee will conduct three retests. The purpose of retests is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result. If any valid test demonstrates significant lethal and/or sub-lethal effects to a test species at or below the critical dilution, the frequency of testing for this species is automatically increased to once per quarter with no option for frequency reduction.

a. Retest

The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant effects at or below the critical dilution. The three additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with the reporting requirements previously outlined and available upon request from the Agency.

b. Requirement to Initiate a Toxicity Reduction Evaluation

If persistent lethality is demonstrated by failure of one or more retests, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Part 6 of this section. If persistent sub-lethality is demonstrated by failure of two or more retests, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements. The permittee shall notify EPA in writing within 5 days of notification of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest for lethal TREs or second failed retest for sub-lethal TREs. A TRE may also be required due to a demonstration of intermittent effects at or below the critical dilution, or for failure to perform the required retests.

6. TOXICITY REDUCTION EVALUATION (TRE)

EPA Region 6 is currently addressing TREs as follows: A TRE is triggered following three sub-lethal test failures (a failure followed by two retest failures) or two test failures with lethal effects (a failure followed by one retest failure).

- a. Within ninety (90) days of confirming lethality and/or sub-lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE to the EPA WET Coordinator at 6WQ-PO. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A TRE is an investigation intended to determine those actions necessary to achieve compliance with water quality based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:
 - 1) Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, a Toxicity Identification Evaluation (TIE) and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Identification Evaluations to characterize the nature of the constituents causing toxicity, the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA 600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.
 - 2) Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified; Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where toxicity was demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;
 - 3) Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
 - 4) Project Organization (e.g., project staff, project manager, consulting services, etc.).

- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal.
- c. The permittee shall submit a quarterly TRE Activities Report to the EPA WET Coordinator (6WQ-PO) in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:
 - 1) Any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - 2) Any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - 3) Any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution. A copy of the TRE Activities Report shall also be submitted to the state agency.
 - 4) Any results and interpretation of any chemical specific analysis, and for any characterization, identification, and confirmation tests performed during the quarter.
 - 5) Any changes to the initial TRE plan and schedule that are believed necessary.

d. Finalizing a TRE

The permittee shall submit (to EPA 6WQ-PO) a final report on TRE activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism. A copy of the final report on TRE Activities shall also be submitted to the state agency.

A TRE may be stopped if there is no toxicity at the critical dilution for a period of 12 consecutive months (with at least monthly testing) following confirmation of toxicity in the retests. The permittee would submit a final report to EPA at that time.

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

PART II – OTHER REQUIREMENTS**SECTION A. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS**

1. The permittee shall operate an industrial pretreatment program in accordance with Section 402(b)(8) of the Act, the General Pretreatment Regulations (40 CFR Part 403) and the approved POTW pretreatment program submitted by the permittee. The pretreatment program was approved on December 20, 1984, and modified on March 1, 1994, September 26, 2006, and February 26, 2008. The POTW pretreatment program is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements.
 - (a) Industrial user (IU) information shall be updated at a frequency adequate to ensure that all IUs are properly characterized at all times.
 - (b) The frequency and nature of industrial user compliance monitoring activities by the permittee shall be commensurate with the character, consistency and volume of waste. The permittee must inspect and sample the effluent from each Significant Industrial in accordance with 40 CFR 403.8(f)(2)(v). This is in addition to any industrial self-monitoring activities.
 - (c) The permittee shall enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements.
 - (d) The permittee shall control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 40 CFR 403.3 (v), this control shall be achieved through individual or general control mechanisms, in accordance with 40 CFR 403.8(f)(1)(iii). Both individual and general control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - (i) Statement of duration (not to exceed five years);
 - (ii) Statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
 - (iii) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law;
 - (iv) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge on accordance with §403.12(e)(2), or a specific waiver pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in 40 CFR 403, categorical Pretreatment Standards, local limits, and State and local law;
 - (v) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal deadlines ; and

- (vi) Requirements to control slug discharges, if determined by the POTW to be necessary.
 - (e) The permittee shall evaluate, whether each Significant Industrial User needs a plan or other action to control slug discharges, in accordance with 40 CFR 403.8(f)(2)(vi).
 - (f) The permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program.
 - (g) The approved program shall not be modified by the permittee without the prior approval of the EPA.
2. The permittee shall establish and enforce specific limits to implement the provisions of 40 CFR Parts 403.5 (a) and (b), as required by 40 CFR Part 403.5 (c). POTWs may develop Best Management Practices (BMPs) to implement paragraphs 40 CFR 403.5 (c)(1) and (c)(2). Such BMPs shall be considered local limits and Pretreatment Standards. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.

The permittee shall, within **sixty (60) days** of the effective date of this permit, (1) submit a **WRITTEN CERTIFICATION** that a technical evaluation has been demonstrated that the existing technically based local limits (TBLL) are based on current state water quality standards and are adequate to prevent pass through of pollutants, inhibition of or interference with the treatment facility, worker health and safety problems, and sludge contamination, **OR** (2) submit a **WRITTEN NOTIFICATION** that a technical evaluation revising the current TBLL and a draft sewer use ordinance which incorporates such revisions will be submitted within **12 months** of the effective date of this permit.

All specific prohibitions or limits developed under this requirement are deemed to be conditions of this permit. The specific prohibitions set out in 40 CFR Part 403.5(b) shall be enforced by the permittee unless modified under this provision.

3. The permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR 122 Appendix D (NPDES Application Testing Requirements) Table II at least **once/12 months** and the toxic pollutants in Table III at least **once/3 months**. If, based upon information available to the permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant, known or suspected to adversely affect treatment plant operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least **once/3 months** on both the influent and the effluent.

The influent and effluent samples collected shall be composite samples consisting of at least 12 aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. **Sampling and analytical procedures shall be in accordance with guidelines established in 40 CFR 136. The effluent samples shall be analyzed to a level at least as low as required in item (6) below.** Where composite samples are inappropriate, due to sampling, holding time, or analytical constraints, at least 4 grab samples, taken at equal intervals over a representative 24-hour period, shall be taken.

4. The permittee shall prepare annually a list of Industrial Users which during the preceding twelve months were in significant noncompliance with applicable pretreatment requirements. For the purposes of this Part, significant noncompliance shall be determined based upon the more stringent of either criteria established at 40 CFR Part 403.8(f)(2)(viii) [rev. 10/14/05] or criteria established in the approved POTW pretreatment program. This list is to be published annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW during the month of **December**.

In addition, during the month of **December** the permittee shall submit an updated pretreatment program status report to EPA and the State containing the following information:

- (a) An updated list of all significant industrial users and identify which Industrial Users are Non-Significant Categorical Industrial Users (NSCIUs) or Middle Tier CIUs. The list must also identify:
- Industrial Users subject to categorical Pretreatment Standards that are subject to reduced monitoring and reporting requirements under 40 CFR 403.12(e)(2) & (3);
 - Industrial Users subject to the following categorical Pretreatment Standards [Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) (40 CFR part 414), Petroleum Refining (40 CFR part 419), and Pesticide Chemicals (40 CFR part 455)] and for which the Control Authority has chosen to use the concentration-based standards rather than converting them to flow-based mass standards as allowed at 40 CFR 403.6(c)(6);
 - Categorical Industrial Users subject to concentration-based standards for which the Control Authority has chosen to convert the concentration-based standards to equivalent mass limits, as allowed at 40 CFR 403.6(c)(5);
 - General Control Mechanisms used for similar groups of SIUs along with the substantially similar types of operations and the types of wastes that are the same, for each separate General Control Mechanism, as allowed at 40 CFR 403.8(f)(1)(iii); and,
 - Best Management Practices or Pollution Prevention alternatives required by a categorical Pretreatment Standard or as a local limit requirement that are implemented and documentation to demonstrate compliance, as required at 40 CFR 403.12 (b), (e) and (h).

For each industrial user listed the following information shall be included:

- (i) Standard Industrial Classification (SIC) or NAISC code and categorical determination;
- (ii) Control document status. Whether the user has an effective control document, and the date such document was last issued, reissued, or modified, (indicate which industrial users were added to the system (or newly identified) within the previous 12 months);
- (iii) A summary of all monitoring activities performed within the previous 12 months. The following information shall be reported:
 - ✓ Total number of inspections performed;
 - ✓ Total number of sampling visits made.

- (iv) Status of compliance with both effluent limitations and reporting requirements. Compliance status shall be defined as follows:
 - ✓ Compliant (C) - no violations during the previous 12-month period;
 - ✓ Non-compliant (NC) - one or more violations during the previous 12 months but does not meet the criteria for significantly noncompliant industrial users;
 - ✓ Significant Noncompliance (SNC) - in accordance with requirements described in 4. above; and,
- (v) For significantly noncompliant industrial users, indicate the nature of the violations, the type and number of actions taken (notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. If ANY industrial user was on a schedule to attain compliance with effluent limits, indicate the date the schedule was issued and the date compliance is to be attained.

- (b) A list of all significant industrial users whose authorization to discharge was terminated or revoked during the preceding 12-month period and the reason for termination;
- (c) A report on any interference, pass through, upset or POTW permit violations known or suspected to be caused by industrial contributors and actions taken by the permittee in response;
- (d) The results of all influent and effluent analyses performed pursuant to Part II(A)(3) above;
- (e) A copy of the newspaper publication of the significantly noncompliant industrial users giving the name of the newspaper and the date published;
- (f) The information requested may be submitted in tabular form as per the example tables provided for your convenience; and,
- (g) The monthly average water quality based effluent concentration necessary to meet the state water quality standards as developed in the approved technically based local limits.

5. The permittee shall provide adequate notice of the following:

- (a) Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants;
- (b) Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and,
- (c) Adequate notice shall include information on
 - (1) the quality and quantity of effluent to be introduced into the treatment works, and
 - (2) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

6. All effluent monitoring conducted in accordance with Part II(A)(3) above shall meet the Minimum Quantification Levels (MQLs) shown in Part II Appendix A

MONITORING RESULTS(1) FOR THE ANNUAL PRETREATMENT REPORT, REPORTING YEAR: _____, 20____ TO _____, 20____
 TREATMENT PLANT: Santa Fe Paseo Real WWTP NPDES PERMIT NO. NM0022292

| POLLUTANT | MAHL, if applicable, in g/L | Influent Values (in g/L) on Dates Sampled | | | | Daily Average Effluent Limit in g/L | Effluent Values (in g/L) on Dates Sampled | | | |
|--------------------|-----------------------------|---|--|--|--|-------------------------------------|---|--|--|--|
| | | | | | | | | | | |
| Antimony (Total) | | | | | | | | | | |
| Arsenic (Total) | | | | | | | | | | |
| Beryllium (Total) | | | | | | | | | | |
| Cadmium (Total) | | | | | | | | | | |
| Chromium (Total) | | | | | | | | | | |
| Copper (Total) | | | | | | | | | | |
| Lead (Total) | | | | | | | | | | |
| Mercury (Total) | | | | | | | | | | |
| Molybdenum (Total) | | | | | | | | | | |
| Nickel (Total) | | | | | | | | | | |
| Selenium (Total) | | | | | | | | | | |
| Silver (Total) | | | | | | | | | | |
| Thallium (Total) | | | | | | | | | | |
| Zinc (Total) | | | | | | | | | | |
| Cyanide (Total) | | | | | | | | | | |

FOOTNOTE

(1) It is advised that the influent and effluent samples are collected considering flow detention through each treatment plant. Analytical MQLs should be used so that the data can also be used for Local Limits assessment and NPDES application process

(1) SIGNIFICANTLY NONCOMPLIANT USERS - ENFORCEMENT ACTIONS TAKEN

| INDUSTRIAL USER | NATURE OF VIOLATION | | NUMBER OF ACTIONS TAKEN | | | | | PENALTIES COLLECTED | COMPLIANCE SCHEDULE | | CURRENT STATUS | COMMENTS |
|-----------------|---------------------|--------|-------------------------|------|-------|----------|-------|---------------------|---------------------|----------|----------------|----------|
| | REPORTS | LIMITS | N.O.V. | A.O. | CIVIL | CRIMINAL | OTHER | | DATE ISSUED | DATE DUE | | |
| | | | | | | | | | | | | |

FOOTNOTE

(1) Record the names of the pollutants [40 CFR 122, Appendix D, Table II and/or Table V] detected and the quantity in which they were detected.

PRETREATMENT PROGRAM STATUS REPORT UPDATED SIGNIFICANT INDUSTRIAL USERS LIST

| INDUSTRIAL USER | SIC CODE | CATEGORICAL DETERMINATION | CONTROL DOCUMENT | | NEW USER | TIMES INSPECTED | TIMES SAMPLED | COMPLIANCE STATUS | | | | |
|-----------------|----------|---------------------------|------------------|-------------|----------|-----------------|---------------|-------------------|-------------------|-------------|-----------------|-----------------|
| | | | Y/N | LAST ACTION | | | | REPORTS | | | | EFFLUENT LIMITS |
| | | | | | | | | BMR | 90-DAY COMPLIANCE | SEMI ANNUAL | SELF MONITORING | |
| | | | | | | | | | | | | |