



REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

NPDES Permit No NM0031226

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"),

Mineral Acquisitions, LLC
P.O. Box 25201
Albuquerque, NM 87125

is authorized to discharge from the Billali Mine, located in Grant County, NM to receiving water named Bitter Creek (Segment No. 20.6.4.98)

the discharge from the facility is located at the following coordinates:

Outfall 001: Latitude 32° 53' 00.23" N, Longitude 108° 59' 00.74" W

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

This permit shall become effective on August 1, 2021

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

Issued on June 29, 2021

A handwritten signature in black ink, appearing to read "Charles W. Maguire", is positioned above a horizontal line.

Charles W. Maguire
Director
Water Division

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DOCUMENT ABBREVIATIONS

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

4Q3	lowest four-day average flow rate expected 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
BOD5	five-day biochemical oxygen demand
BPJ	best professional judgment
CBOD5	Five-day Carbonaceous Biochemical Oxygen Demand
CD	critical dilution
CFR	Code of Federal Regulations
cfs	cubic feet per second
cfu	colony forming units
COD	chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	discharge monitoring report
EA	environmental assessment
ELG	effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
ft.	feet (measurement of distance)
FWS	United States Fish and Wildlife Service
lbs	pounds
ug/L	micrograms per liter (one part per billion)
mg/L	milligrams per liter (one part per million)
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
PLC	programmable logic controller
POTW	publicly owned treatment works
RP	reasonable potential
SBR	sequencing batch reactor
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
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

A. LIMITATIONS AND MONITORING REQUIREMENTS

FINAL Effluent Limits – Average Flow .0288 MGD– Outfall 001

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 effluent that results from the mine-dewatering process from Outfall 001 to Bitter Creek (20.6.4.98 NMAC). This permit does not authorize industrial stormwater or any discharge through hydrologic connection (e.g., leachate from waste rock site or seepage of mine water settling pond or tailing pond that may reach surface water through hydrologic connection). The designated uses for this segment, 20.6.4.98, include: livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact. Such discharges for the pollutants shown shall be limited and monitored from Outfall 001, by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS Lbs/day, unless noted (*1)		DISCHARGE LIMITATIONS mg/l, unless noted (*1)		MONITORING REQUIREMENTS	
	DAILY MAX	30-DAY AVG	DAILY MAX	30-DAY AVG	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	N/A	N/A	Report	Report	1/Day	Estimate (*4)
Copper, total	0.0014	0.0014	0.006	0.006	3/Week	Grab
Zinc, total	0.02	0.02	0.088	0.088	3/Week	Grab
Lead, total	0.0005	0.0005	0.002	0.002	3/Week	Grab
Mercury, total	N/A	N/A	0.002	0.001	3/Week	Grab
Cadmium, total	0.00003	0.00003	0.00014	0.00014	3/Week	Grab
Aluminum, total recoverable *5	0.036	0.036	0.151	0.151	3/Week	Grab
Nickel, dissolved	0.007	0.007	0.013	0.013	3/Week	Grab
Silver, dissolved	0.00016	0.00016	0.0002	0.0002	3/Week	Grab
Manganese, dissolved	0.23	0.23	0.970	0.970	3/Week	Grab
Chromium, dissolved	N/A	N/A	Report	Report	3/Week	Grab
TSS	N/A	N/A	30.0	20.0	3/Week	Grab
Hardness, dissolved	N/A	N/A	Report	N/A	1/Week *6	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS (Standard Units)		MONITORING REQUIREMENTS	
POLLUTANT	MINIMUM	MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH	6.6	9.0	1/Day	Instantaneous Grab (*2)

WHOLE EFFLUENT LETHALITY (7-Day Chronic Static Renewal/ NOEC)(*3)	VALUE	FREQUENCY	SAMPLE TYPE
Ceriodaphnia dubia	Report	Once/5 years	24- Hr Composite
Pimephales Promelas	Report	Once/5 years	24-Hr Composite

Footnotes:

*1 See Appendix A of Part II of the permit for minimum quantification limits.

*2 Regulations at 40 CFR Part 136 define "grab" as instantaneous grab, analyzed within 15 minutes of collection.

*3 WET Monitoring, reporting requirements, and limitations begin on the effective date of this permit. The test shall take place between November 1 and April 30, if possible. 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 failures. However, upon failure of any WET test, the permittee must report the results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification of the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

*4 "Estimate" flow measurements shall not be subject to the accuracy provisions established at Part II.C.6. The daily flow value may be estimated using best engineering judgement.

*5 The analysis of total recoverable aluminum is a sample that is filtered to minimize mineral phases as specified by the NMED.

*6 Samples shall be taken concurrently with metals.

Human Health Testing Requirements and One time effluent Characteristic testing

Discharges from industrial facilities for permits issued to protect NMWQS human health pollutants are required to be analyzed. In addition all pollutants listed on application 2D (Tables A-C) are required to be analyzed. The following pollutants need to be sampled ONE-TIME during the first discharge, analyzed and reported with the DMR on a separate form. Copies shall be sent to both EPA and NMED.

EFFLUENT CHARACTERISTICS *1				
Conventional and Non-Conventional Pollutants	Lead, Total	1,1,1-trichloroethane	Dibenzo (a,h) anthracene	Beta-endosulfan
Bromide	Mercury, Total	Trichloroethylene	1,2-dichlorobenzene	Endosulfan sulfate
Chlorine, total residual	Nickel, Total	Vinyl chloride	1,3-dichlorobenzene	Endrin
Fecal coliform	Selenium, Total	Organic Pollutants Acid Compounds	1,4-dichlorobenzene	Endrin aldehyde
Fluoride	Silver, Total	2-chlorophenol	3,3-dichlorobenzidine	Heptachlor
Nitrate-nitrite	Thallium, Total	2,4-dichlorophenol	Diethyl phthalate	Heptachlor epoxide
Nitrogen, total	Zinc, Total	2,4-dimethylphenol	Dimethyl phthalate	PCB-1242
Oil and grease	Cyanide, Total	4,6-dinitro-o-cresol	Di-n-butyl phthalate	PCB-1248
Phosphorus (as P), total	Phenols, Total	2,4-dinitrophenol	2,4-dinitrotoluene	PCB-1260
Sulfate (as SO4)	Volatile Compounds	2-nitrophenol	2,6-dinitrotoluene	PCB-1016
Sulfide (as S)	Acrolein	4-nitrophenol	Di-n-octyl phthalate	Toxaphene
Surfactants	Acrylonitrile	p-chloro-m-cresol	1,2-diphenylhydrazine	Human Health
Aluminum, total	Benzene	Pentachlorophenol	Fluoranthene	Antimony (dissolved)
Barium, total	Bromoform	Phenol	Fluorene	Arsenic (dissolved)
Boron, total	Carbon tetrachloride	2,4,6-trichlorophenol	Hexachlorobenzene	Nickel (dissolves)
Cobalt, total	Chlorobenzene	Base/Neutral Compounds	Hexachlorobutadiene	Selenium (dissolved)
Iron, total	Chlorodibromomethane	Acenaphthene	Hexachlorocyclopentadiene	Thallium (dissolves)
Magnesium, total	Chloroethane	Acenaphthylene	Hexachloroethane	Zinc (dissolved)
Molybdenum, total	2-chloroethylvinyl ether	Anthracene	Indeno (1,2,3-cd) pyrene	Cyanide, weak acid dissociable
Manganese, total	Chloroform	Benzidine	Isophorone	2,3,7,8-TCDD (Dioxin)
Tin, total	Dichlorobromomethane	Benzo (a) anthracene	Naphthalene	Acrolein
Titanium, total	1,1-dichloroethane	Benzo (a) pyrene	Nitrobenzene	Acrylonitrile
Radioactivity	1,2-dichloroethane	3,4-benzofluoranthene	N-nitrosodimethylamine	Benzene
Alpha, total	1,1-dichloroethylene	Benzo (ghi) perylene	Aldrin	Bromoform
Beta, total	1,2-dichloropropane	Benzo (k) fluoranthene	Alpha, BHC	Carbon Tetrachloride
Radium, total	1,3-dichloropropylene	Bis (2-chloroethoxy) methane	Beta, BHC	1,2-Dichloroethane
Radium 226, total	Ethylbenzene	Bis (2-chloroethyl) ether	Gamma, BHC	1,1-Dichloroethylene
Toxic Metals Total Cyanide and Phenols	Methyl bromide	Bis (2-chloroisopropyl) ether	Delta, BHC	1,2-Dichloropropane
Antimony, Total	Methyl chloride	Bis (2-ethylhexyl) phthalate	Chlordane	1,3-Dichloropropene
Arsenic, Total	Methylene chloride	4-bromophenyl phenyl ether	4,4'-DDT	Ethylbenzene
Beryllium, Total	1,1,2,2-tetrachloroethane	Butyl benzyl phthalate	4,4'-DDE	Methyl Bromide
Cadmium, Total	Tetrachloroethylene	2-chloronaphthalene	4,4'-DDD	Methylene Chloride
Chromium, Total	Toluene	4-chlorophenyl phenyl ether	Dieldrin	1,1,2,2-Tetrachloroethane
Copper, Total	1,2-trans-dichloroethylene	Chrysene	Alpha-endosulfan	Tetrachloroethylene

EFFLUENT CHARACTERISTICS *1		
Human Health Continued	Endrin	Hexachlorocyclopentadiene
Toluene	Benzo(a)pyrene	Hexachloroethane
1,1,2-Trichloroethane	Benzo(b)fluoranthene	Indeno (1,2,3-cd)Pyrene
Trichloroethylene	Benzo(k)fluoranthene	Isophorone
Vinyl Chloride	Bis (2-chloroethyl) Ether	Nitrobenzene
Endrin Aldehyde	Bis (2-chloroisopropyl) Ether	n-Nitrodimethylamine
Heptachlor 90	Bis (2-ethylhexyl) Phthalate	n-Nitrosodi-n-Propylamine
Heptachlor epoxide	Butyl Benzyl Phthalate	n-Nitrosodiphenylamine
PCB's	Chrysene	Pyrene
Toxaphene	Dibenzo(a,h)anthracene	1,2,4-Trichlorobenzene
2-Chlorophenol	Dichlorobromomethane	Aldrin
2,4-Dichlorophenol	1,2-Dichlorobenzene	Alpha-BHC
2,4 Dimethylphenol	1,3-Dichlorobenzene	Beta-BHC
2-Methyl-4-6-Dinitrophenol	1,4-Dichlorobenzene	Gamma-BHC
1,2--trans-Dichloroethylene	3,3-Dichlorobenzidine	Chlordane
2,4-Dinitrophenol	Diethyl Phthalate	4, 4'-DDT and derivatives
Pentachlorophenol	Dimethyl Phthalate	Dieldrin
Phenol	Dibutyl Phthalate	Alpha-Endosulfan
2,4,6-Trichlorophenol	2,4-Dinitrotoluene	Beta-Endosulfan
Acenaphthene	1,2-Diphenylhydrazine	Endosulfan sulfate
Anthracene	Fluoranthene	
Benzidine	Fluorene	
2-Chloronaphthalene	Hexachlorobenzene	
Benzo(a)anthracene	Hexachlorobutadiene	

Single Grab Sample, ug/l (*1)

NARRATIVE CONDITITONS

Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse; or cause toxicity to man, aquatic life, or terrestrial life.

BOTTOM DEPOSITS AND TURBIDITY

Surface waters of the state shall be free of water contaminants including fine sediment particles (less than two millimeters in diameter), precipitates, or organic or inorganic solids from other than natural causes that have settled to form layers on or fill the interstices of the natural or dominant substrate in quantities that damage or impair the normal growth, function, or reproduction of aquatic life or significantly alter the physical or chemical properties of the bottom.

Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the normal growth, function, or reproduction of aquatic life is impaired or that will cause substantial visible contrast with the natural appearance of the water.

SAMPLING LOCATIONS

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At Outfall 001 prior to discharge to Bitter Creek.

B. SCHEDULE OF COMPLIANCE

NONE

C. MONITORING AND REPORTING (MINOR DISCHARGERS)

1. The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.

2. Discharge Monitoring Report (DMR) results shall be electronically reported to EPA per 40 CFR 127.16. To submit electronically, access the NetDMR website at <https://netdmr.epa.gov>. Until approved for Net DMR, the permittee shall request temporary or emergency waivers from electronic reporting. To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch, New Mexico State Coordinator (6EN-WC), (214) 665-7179. If paper reporting is granted temporarily, 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).

a. Reporting periods shall end on the last day of the months March, June, September, and December.

b. 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.

c. If any 30 day average, monthly average, 7 average, weekly average, or daily maximum exceeds the effluent limitations specified in

Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.

d. 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.

PART II - OTHER CONDITIONS

A. MINIMUM QUANTIFICATION LEVEL (MQL)

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-0-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. AUTHORIZED DISCHARGES

Discharges authorized in this individual permit are limited to effluent that results from the mine-dewatering process. There shall be no discharge of domestic sewage into waters of the United States. Discharges of storm water runoff shall be covered under the NPDES Multi-Sector General Storm Water Permit. Runoffs from active mine areas and ponds are not authorized. A permit modification is required if the permittee decides to discharge from any location other than Outfall 001.

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

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

Aluminum, Chromium III, Nickel, Silver, Manganese, Copper, Zinc, Lead, Mercury and Cadmium

D. 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 and/or downstream tribal nations establish and/or remand water quality standards.

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.

E. WHOLE EFFLUENT TOXICITY (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 AS FINAL OUTFALL	001
CRITICAL DILUTION (%)	100%
EFFLUENT DILUTION SERIES (%)	32%,42%,56%,75%, 100%
TEST SPECIES AND METHODS	Ceriodaphnia dubia / Method 1002.0 (EPA-821-R-02-013 or latest version) 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) 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 chemical specific effluent limits, additional testing, a Toxicity Reduction Evaluation, and/or other appropriate actions to address toxicity.

3. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

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

- i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- ii. The mean number of *Ceriodaphnia dubia* neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- iii. 60% of the surviving control females must produce three broods.
- iv. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- v. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the *Ceriodaphnia dubia* reproduction test; the growth and survival endpoints of the Fathead minnow test.
- vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the young of surviving females in the *Ceriodaphnia dubia* reproduction test; the growth and survival endpoints of the Fathead minnow test.
- vii. A Percent Minimum Significant Difference (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 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

c. Dilution Water

i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;

(A) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

(B) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

(A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;

(B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

(C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 4 below; and

(D) the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

i. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above.

ii. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

iii. The permittee must collect the composite samples so that the maximum holding time for any effluent

sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.

iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 4 of this section.

v. **MULTIPLE OUTFALLS:** If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in item 1.a. above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

4. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this 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. 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 DMR for that reporting period in accordance with PART I of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

Reporting Requirement	Parameter STORET CODE	
	Ceriodaphnia dubia	Pimephales promelas
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