

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

**PERMIT NUMBER: OK0038849
ID NUMBER: I-40000740**

In compliance with the Oklahoma Pollutant Discharge Elimination System (OPDES) Act, 27A O.S. §2-6-201 *et seq.*, Oklahoma Uniform Environmental Permitting Act, 27A O.S. §2-14-101 *et seq.*, and the rules of the Oklahoma Department of Environmental Quality promulgated thereunder,

Heavener Utilities Authority
(Industrial Wastewater Treatment Plant)
103 East Ave. B
Heavener, OK 74937

is authorized to discharge wastewater from their facility, located at:

SE¼, SW¼, SE¼, Section 7,
Township 5N, Range 26EIM, LeFlore County, Oklahoma
or at 103 east Ave. B, Heavener, OK 74937

to receiving waters: Morris Creek in Stream Segment 220100 (Water body ID# 220100010170)
from Outfall 001 located at:

Latitude 34° 55' 52.64" N, Longitude 94° 35' 52.81" W (GPS: NAD83)
NW¼, SE¼, SE¼, Section 6, Township 5N, Range 26EIM,
LeFlore County, Oklahoma

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

Issuance of this permit in no way or in any respect affects the permittee's civil or criminal responsibility regarding disposal of wastewater, except with respect to the permittee's legal responsibility under the OPDES Act and Department Rules.

This permit replaces and/or supersedes OPDES Permit No. OK0038849 that became effective on April 1, 2007.

This permit shall become effective on _____.

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

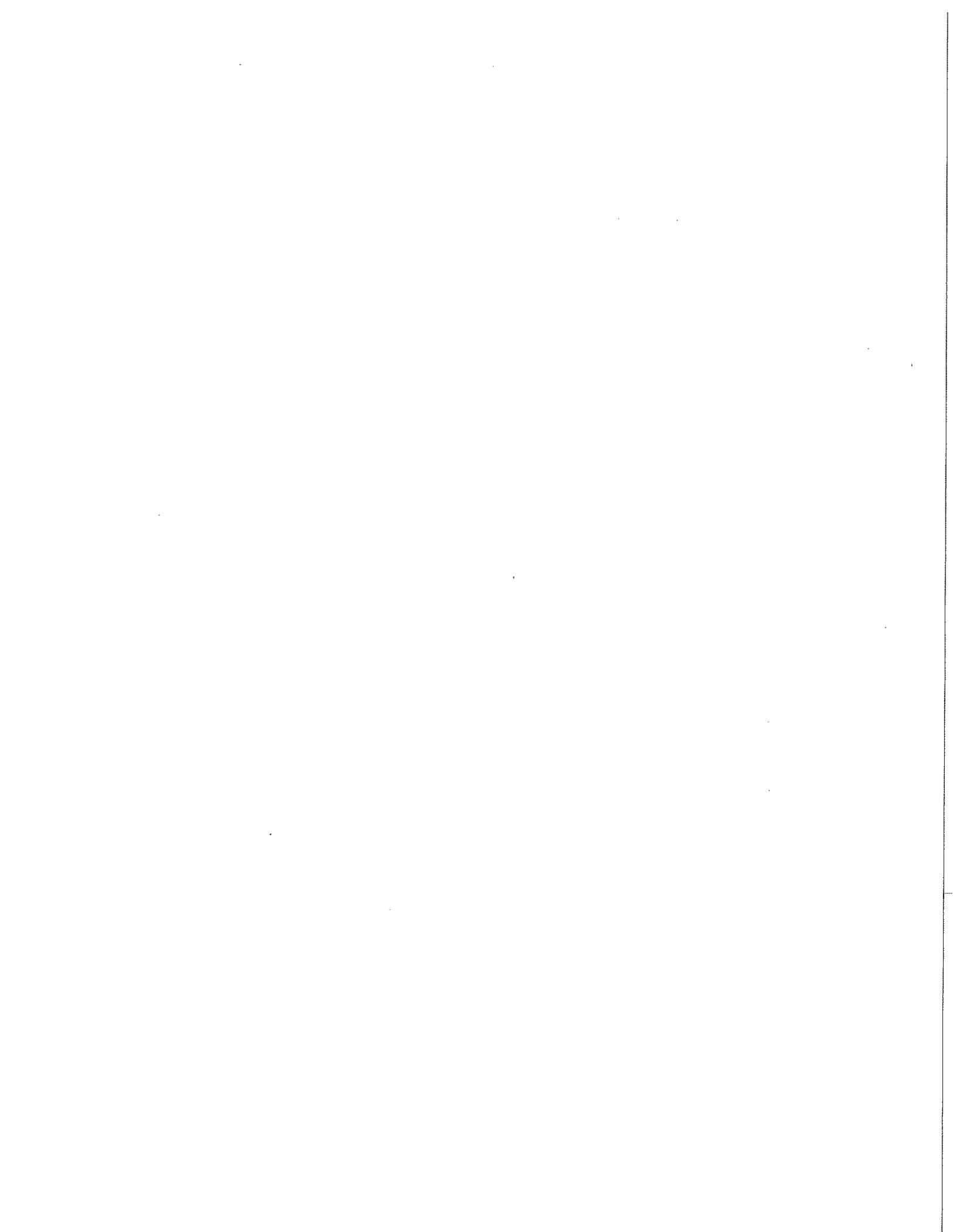
This is to certify that the wastewater discharges set forth in this permit comply with the requirements of Oklahoma's Water Quality Standards, as amended, provided the permittee does not exceed the effluent limitations set forth in this permit.

Issued this _____ day of _____, .

For Oklahoma Department of Environmental Quality,

Carol Paden, P.E., Manager
Industrial Permits Section
Water Quality Division

Shellie Chard-McClary, Director
Water Quality Division



**PART I
 EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effluent Limitations and Monitoring Requirements for Outfall 001

During the period beginning the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001.

The discharge from Outfall 001 consists of effluent from the industrial wastewater treatment plant (IWTP), which receives the following process wastewater from the OK Foods poultry plant: cooling tower blowdown, wet scrubber effluent, equipment washdown, slaughtering, deboning, and miscellaneous other operations. Such discharge shall be limited and monitored by the permittee as specified below:

Interim Mass and Concentration Limitations for Outfall 001 for the First Three Years of the Permit Cycle

PARAMETERS		DISCHARGE LIMITATIONS			
		MASS LOADING LIMITS (lbs/day unless otherwise specified)		CONCENTRATION LIMITS (mg/L unless otherwise specified)	
		MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM
Flow STORET: 50050		Report (GPD)	Report (GPD)	N/A	N/A
CBOD ₅ STORET: 80082	(Apr - Oct)	275	413	10.0	15.0
	(Nov - Mar)	550	826	20.0	30.0
TSS STORET: 00530	(Apr - Oct)	413	619	15	22.5
	(Nov - Mar)	826	1,238	30	45.0
Ammonia, total (as N) STORET: 00610	(Apr - Oct)	113	206	4.10	7.50
	(Nov - Mar)	113	271	4.10	9.86
DO STORET: 00300	(Apr - Oct)	---	---	Daily minimum: 6.0	
	(Nov - Mar)	---	---	Daily minimum: 5.0	
Fecal Coliform (in CFU/100 mL) STORET: 74055	(May - Sept)	---	---	200 ^a	400 ^c
	(Oct - Apr)	---	---	---	400 ^d
Oil & Grease STORET: 00552		272	413	10.0	15.0
Zinc, total (µg/l) STORET: 01092		Report ^b	Report ^b	Report ^b	Report ^b
pH STORET: 00400		N/A	N/A	between 6.5 s.u. - 9.0 s.u.	

^a Monthly geometric mean.

^b Interim limits for the first 36 months of the permit.

^c Monitoring and reporting requirement for fecal coliform from May 1 to September 30 twice per week.

^d Monitoring and reporting requirements for fecal coliform from October 1, to April 30 once per month.

Final Mass and Concentration Limitations for Outfall 001 Starting the Fourth Year of the Permit Cycle

PARAMETERS	DISCHARGE LIMITATIONS				
	MASS LOADING LIMITS (lbs/day unless otherwise specified)		CONCENTRATION LIMITS (mg/L unless otherwise specified)		
	MONTHLY AVERAGE	DAILY MAXIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	
Flow STORET: 50050	Report (MGD)	Report (MGD)	N/A	N/A	
CBOD ₅ STORET: 80082	(Apr - Oct)	275	413	10.0	15.0
	(Nov - Mar)	550	826	20.0	30.0
TSS STORET: 00530	(Apr - Oct)	413	619	15	22.5
	(Nov - Mar)	826	1,238	30	45.0
Ammonia, total (as N) STORET: 00610	(Apr - Oct)	113	206	4.10	7.50
	(Nov - Mar)	113	271	4.10	9.86
DO STORET: 00300	(May - Sept)	---	---	Daily minimum: 6.0	
	(Oct - Apr)	---	---	Daily minimum: 5.0	
Fecal Coliform (in CFU/100 mL) STORET: 74055	(May - Sept)	---	---	200 ^a	400 ^b
	(Oct - Apr)	---	---	---	400 ^c
Oil & Grease STORET: 00552		272	413	10.0	15.0
Zinc, total (µg/l) STORET: 01092		0.903	1.35	32.8	49.2
pH STORET: 00400		N/A	N/A	between 6.5 s.u. - 9.0 s.u.	

^a Monthly geometric mean.

^b Monitoring and reporting requirement for fecal coliform from May 1 to September 30 twice per week.

^c Monitoring and reporting requirements for fecal coliform from October 1, to April 30 once per week.

NOTE: See Parts II and III for Additional Requirements.

There shall be no discharge of a visible sheen of oil or globules of oil or grease on or in the water. Oil and grease shall not be present in quantities that adhere to stream banks and coat bottoms of water courses. Surface waters of the State shall be maintained free from oil and grease and taste and odors.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge shall not contain chemical, physical, or biological substances in concentrations that are irritating to skin or sense organs or are toxic or cause illness upon ingestion by human beings.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location:

Outfall 001: At the northwest corner of the wastewater treatment plant, prior to entering the pipeline to the Morris Creek, in the NW¼, SE¼, SE¼, Section 6, Township 5N, Range 26EIM, LeFlore County, Oklahoma, or at Latitude 34° 54' 59.42"N, Longitude 94° 35' 58.69"W (GPS: NAD83).

Monitoring Requirements and Sample Types - Outfall 001

PARAMETERS	MEASUREMENT FREQUENCY ⁽¹⁾	SAMPLE TYPE
Flow	Continuous	Record
CBOD ₅	1/week	24-hr comp
TSS	1/week	24-hr comp
Ammonia, total (as N)	1/week	24-hr comp
Dissolved Oxygen (DO)	3/week	In-situ
Fecal Coliform (May-Sept)	1/week	Grab
Fecal Coliform (Oct-Apr)	1/month	Grab
Oil and Grease	2/month	Grab
Zinc	2/month	24-hr comp
pH	1/week	Grab

⁽¹⁾ When discharging.

2. Biomonitoring Requirements for Outfall TX1

Outfall TX1

- a. Whole effluent toxicity reporting and monitoring requirements – During the period beginning the effective date of the permit and lasting through the expiration date, the permittee is authorized to discharge from Outfall TX1 (functionally identical to Outfall 001). The discharge consists of effluent from the industrial wastewater treatment plant (IWTP), which receives process wastewater from OK Foods plant which consists of cooling tower blowdown, wet scrubber effluent, equipment washdown, slaughtering, deboning, and miscellaneous other operations. Such discharge shall be limited and monitored by the permittee as specified below.

The permittee is encouraged to perform required biomonitoring activities as early in the reporting period as is practical to ensure sufficient time remains in the reporting period should retests/repeat tests be necessary.

All laboratory analyses for the biomonitoring parameters specified in this permit must be performed by a laboratory certified by the Oklahoma Department of Environmental Quality for those parameters.

**Whole Effluent Toxicity Reporting and Monitoring Requirements
 (Outfall TX1)**

Effluent Characteristic			Reporting/Monitoring Requirements ^a		
Test	Critical Dilution ^d	Parameter	7-day Min	Testing Frequency ^f	Sample Type
Routine Testing	100%	Pass/Fail Survival [TLP3B]	Report	1/quarter ^e	24-hr comp
		NOEC _L Survival [TOP3B]	Report		
		% Mortality at Critical Dilution [TJP3B]	Report		
		Pass/Fail Reproduction [TGP3B]	Report		
		NOEC _S Reproduction [TPP3B]	Report		
		% Coeff of Variation [TQP3B]	Report		
	100%	Pass/Fail Survival [TLP6C]	Report	1/quarter ^e	24-hr comp
		NOEC _L Survival [TOP6C]	Report		
		% Mortality at Critical Dilution [TJP6C]	Report		
		Pass/Fail Growth [TGP6C]	Report		
		NOEC _S Growth [TPP6C]	Report		
		% Coeff of Variation [TQP6C]	Report		
Retesting	Retest #1 [22415] ^b		Report	As required ^e	24-hr comp
	Retest #2 [22416] ^b		Report		

- ^a See Part II, Section F, Whole Effluent Toxicity Testing, for additional monitoring and reporting conditions.
- ^b Applies to either or both test species according to results of test failure triggering monthly retests.
- ^c Monthly retesting required only if routine test for reporting period (for either species) fails. Fill out ONLY these two retest parameters on the retest DMRs, do not change the original results, and put the correct submission date in the lower right hand corner of the DMR.
- ^d All chronic WET testing shall use the dilution series specified in Part II, Section F, Item 1
- ^e Results of retests conducted pursuant to prior test failure shall not be submitted on DMRs in lieu of routine test results (see Part II, Section F, Item 2.a).
- ^f See provision for monitoring frequency reduction after the first two years for *Ceriodaphnia dubia* and one year for Fathead minnows (Part II, Section F, Item 5).

P. promelas (Fathead minnow) whole effluent toxicity reporting and monitoring requirements apply beginning _____, and the first reporting period is _____ to _____.

C. dubia whole effluent toxicity reporting and monitoring requirements apply beginning _____, and the first reporting period is _____ to _____.

WET testing summary reports: Reports of all WET testing initiated, regardless of whether such tests are carried to completion, shall follow the requirements of Part II, Section F, Item 4.

- b. Concurrent testing provision for chronic WET testing – Concurrent analyses of ammonia and pH are required for each individual effluent sample collected for chronic WET testing or retesting of the Fathead minnow species. Concurrent analyses of TDS and constituent ion species is required for each individual effluent sample collected for *Ceriodaphnia dubia* WET testing or retesting. TDS constituent ion species are: K⁺ (potassium), Na⁺ (sodium), Ca⁺² (calcium), Mg⁺² (magnesium), Cl⁻ (chloride), HCO₃⁻ (bicarbonate) and SO₄⁻² (sulfate). Reporting of concurrent testing results shall be in accordance with the following requirements. Results shall also be submitted in or concurrently with each WET test report.

**Concurrent Effluent Testing for Chronic WET Tests – Reporting Requirements
 Outfall TX1**

Effluent Characteristic	Concentration			Monitoring Requirements	
	Daily Min	Monthly Avg	Daily Max	Monitoring Frequency ^a	Sample Type
Ammonia, (NH ₃ -N) (mg/l) ^{b,c} [STORET 00610]	Report	Report	Report	1/quarter	24 hr comp ^c
pH (std units) ^{b,c} [STORET 00400]	Report	N/A	Report	1/quarter	Measured in each composite effluent sample, including static renewals, just prior to first use ^c
Total Dissolved Solids (mg/l) ^d [STORET 70300]	Report	Report	Report	1/quarter	24 hr comp

^a See provision for WET testing monitoring frequency reduction after the first two years for for *Ceriodaphnia dubia* and one year for Fathead minnows (Part II, Section F, Item 5).

^b Report only those effluent samples collected for WET testing of the Fathead minnow species.

^c **Samples collected for WET testing purposes, including static renewals, shall be of sufficient volume to allow for the required concurrent analyses in addition to the WET testing itself.**

Two sets of samples for **concurrent analyses** are required for ammonia and pH:

Samples sent directly to a WET testing laboratory shall NOT undergo any preservation other than refrigeration to maintain a temperature at or below 6° C but not frozen prior to arrival and processing at the WET testing laboratory. These results may be used in the table above.

A second concurrent analysis is required for the sample that is sent to the WET testing laboratory and for the table above. Just prior to the first use of each composite sample for WET testing purposes, the biomonitoring laboratory shall take an adequately-sized portion of each composite sample, acidify it in accordance with preservation requirements in 40 CFR 136, and have it analyzed for ammonia (NH₃-N) at a state certified analytical laboratory. The pH measurement required for the above table must be taken just prior to the acidification step. These pH and ammonia readings should NOT be included in the results for Outfall 001.

Samples sent directly to a state certified analytical laboratory must be composite samples that are properly preserved. These results may be included in the results for Outfall 001.

^d Report only those effluent samples collected for WET testing of *Ceriodaphnia dubia* species

Concurrent analyses required for TDS:

The concurrent TDS sample is taken at the beginning of the biomonitoring test. Only one sample is necessary and it must be sent directly to a laboratory certified by the state for the TDS analyses. The analyses must include the constituents listed for TDS above the concurrent table.

It must be a composite sample that is properly preserved and refrigerated to maintain a temperature at or below 6° C but not frozen. This result may be included in the results for Outfall 001, if required.

- c. Sampling location – Samples taken in compliance with the monitoring requirements specified above for Outfall TX1 shall be taken at the following location: at the same location as for Outfall 001.

SECTION C. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the Zinc limit for Outfall 001 in accordance with the following schedule. The permittee must submit progress reports to the DEQ detailing the status of all required compliance actions no later than two (2) weeks after each indicated compliance date.

Action	Compliance Date
Submit an approvable engineering plan on how Heavener Utility Authority will meet the final limits for Outfall 001 listed in this permit.	12 months after effective date of permit
Begin implementation of engineering plan.	18 months after effective date of permit
Submit progress report on plan implementation	24 months after effective date of permit
Full compliance with final limits for Outfall 001.	36 months after effective date of permit

SECTION D. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III.E.4 of the permit. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report (DMR) form due to the Oklahoma Department of Environmental Quality, Water Quality Division, Wastewater Compliance Tracking Section postmarked or received no later than the 15th day of the month following the completed monthly test. If no discharge occurs during the reporting period, a DMR form stating "No Discharge" shall be submitted according to the above schedule.

The first report is due on _____.

**PART II
OTHER PERMIT REQUIREMENTS**

A. REGULATORY NOTICE

The permittee is hereby given notice that this permit is in all respects subject to compliance with and actions under any and all applicable and relevant terms, conditions, provisions and requirements and any and all amendments of the laws of the State of Oklahoma, the rules of the Oklahoma Department of Environmental Quality, and Oklahoma's Water Quality Standards. The absence of any express reference within this permit of any particular statutory requirement, rule(s), regulation(s), or standard(s) shall in no respect be deemed or construed to exempt or preclude the application of such requirement, rule(s), regulation(s), or standard(s) to this permit or the permittee. By the Director's approval, grant and issuance of this permit, permittee acknowledges receipt of true, correct and current copies of Oklahoma's Water Quality Standards, and the rules of the Oklahoma Department of Environmental Quality, provided, however, that permittee further acknowledges that any and all amendments thereto shall become part of this permit.

B. REOPENER CLAUSE

This permit may be reopened for modification or revocation and reissuance to require additional monitoring and/or effluent limitations where actual or potential exceedances of State water quality criteria are determined to be the result of the permittee's discharge to the receiving water(s), or a Total Maximum Daily Load is established for the receiving stream(s), or when required as technology advances. Modification or revocation and reissuance of the permit shall follow regulations listed at 40 CFR 124.5.

C. LABORATORY CERTIFICATION

All laboratory analyses for the parameters specified in this permit must be performed by a laboratory certified by the Oklahoma Department of Environmental Quality for those parameters.

D. ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, effluent and/or upstream monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136 in effect on the effective date of this permit. Appendices A, B, and C to 40 CFR Part 136 are specifically referenced as part of this requirement. Amendments to 40 CFR Part 136 promulgated and incorporated by reference into OAC 252:606 after the effective date of this permit shall supersede these requirements as applicable.

E. MINIMUM QUANTIFICATION LEVEL (MQL)

Detection limits for the following pollutants must be less than or equal to the MQL shown below. If any individual analytical test result is less than the minimum quantification level listed below, a value of zero (0) may be used for that individual result for the DMR calculations and reporting requirements, provided the detection limit for such analysis is reflected in the Comments section of the DMR.

<u>POLLUTANT</u>	<u>MQL</u>
Zinc, total	20 µg/L
Oil and grease	5 mg/L

The permittee may develop an effluent and/or upstream specific method detection limit (MDL) in accordance with Appendix B to 40 CFR Part 136. For any pollutant for which the permittee determines an effluent and/or upstream specific MDL, the permittee shall send to DEQ, Water Quality Division, Industrial Permits Section, a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent

and/or upstream specific MDL was correctly calculated. An effluent and/or upstream specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by the Industrial Permits Section, the effluent and/or upstream specific MQL may be utilized by the permittee for all future DMR calculations and reporting requirements.

F. WHOLE EFFLUENT TOXICITY TESTING

1. **Scope and Methodology**

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section, which apply individually and separately to the outfalls listed below. No samples or portions of samples from one outfall may be composited with samples or portions of samples from another outfall. The permittee shall biomonitor for *Ceriodaphnia dubia* or *Pimephales promelas* in accordance with the WET testing frequencies prescribed in Part I. Intervals between test initiation dates shall be a function of the required testing frequency, as follows:

The permittee is encouraged to perform required biomonitoring activities as early in the reporting period as is practical to ensure sufficient time remains in the reporting period should retests/repeat tests be necessary.

All laboratory analyses for the biomonitoring parameters specified in this permit must be performed by a laboratory certified by the Oklahoma Department of Environmental Quality for those parameters.

Provisions for performance-based monitoring frequency reductions are contained in Item 5 of this section.

Intervals between test initiation dates shall be a function of the required testing frequency, as follows:

- Monthly: No less than 20 days and no more than 40 days.
- Quarterly: No less than 2 months and no more than 4 months.
- Semi-annually: No less than 4 months and no more than 8 months.

APPLICABLE TO OUTFALL(S):	001
REPORTED ON DMR AS OUTFALL(S):	TX1
CRITICAL DILUTION:	100%
EFFLUENT DILUTION SERIES (ALL TESTS):	32%, 42%, 56%, 75%, 100%
SAMPLE TYPE:	Defined at Part I
TEST SPECIES/METHODS:	40 CFR 136, except for changes required by EPA, Region 6.

Ceriodaphnia dubia chronic static renewal 7-day survival and reproduction test, Method 1002.0, EPA-821-R-02-013 (October 2002), or most recent update thereof. A minimum of ten (10) replicates consisting of a single (1) organism each must be used in the control and in each effluent dilution of this test. 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 second. If this criterion is not met at the end of 8 days, the test must be repeated.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013 (October 2002), or 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. Chronic lethal effect test failure – The $NOEC_L$ (No Observed Lethal Effect Concentration) is defined as the greatest effluent dilution at and below which lethality (toxicity) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure (chronic $NOEC_L$ test) is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution.
- c. Chronic sublethal effect test failure – The $NOEC_S$ (No Observed Sublethal Effect Concentration) is defined as the greatest effluent dilution at and below which sublethality (toxicity: inhibited reproduction in the *Ceriodaphnia dubia* test or inhibited growth in the Fathead minnow test) that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic sublethal test failure (chronic $NOEC_S$ test) is defined as a demonstration of a statistically significant sublethal effect at test completion to a test species at or below the critical dilution.
- d. Reopener clause – This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. Testing Requirements due to Test Failure

Upon becoming aware of the failure of any test, the permittee shall notify DEQ Water Quality Division biomonitoring coordinator immediately, and in writing within 5 working days, of the test failure with a summary of the results of, and any other pertinent circumstances associated with, the failed test.

- a. Whenever there is a test failure for *Ceriodaphnia dubia* or *Pimephales promelas* during routine testing, the frequency of testing for the affected species shall automatically increase to, or continue at, as appropriate, the WET testing frequency prescribed in Part I for the remaining life of the permit. In addition, two (2) additional monthly tests (retests) of the affected species are required. The two additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional tests for routine toxicity testing. A full laboratory report for the failed routine test and both additional tests, if required, shall be prepared and submitted to DEQ in accordance with procedures outlined in Item 4 of this section.
- b. Persistent toxicity – If either of the two additional tests result in an $NOEC_L$ and/or $NOEC_S$ value less than the critical dilution, persistent lethality and/or sublethality is exhibited. Then the permittee shall initiate a Toxicity Reduction Evaluation (TRE) as specified in Item 6 below. The TRE initiation date will be the test completion date of the second failed retest. The permittee may request a temporary exemption to this TRE-triggering criterion only if the permittee is under a compliance schedule defined in an OPDES permit or an enforcement order to effect aquatic toxicity reduction measures.
- c. Intermittent toxicity – If both additional tests result in an $NOEC_L$ and/or $NOEC_S$ value greater than or equal to the critical dilution, persistent lethality and/or sublethality is not exhibited. However, if any routine lethal and/or sublethal effect test failure occurs within 18 months of a prior lethal and/or sublethal effect test failure, intermittent lethality and/or sublethality is exhibited, and the permittee may be required by DEQ to initiate a TRE, as described in Item 6 below, based on the severity and pattern of such lethal and/or sublethal effect over time.

- d. Suspension of retesting requirements during a TRE -- Retesting requirements in Item 2.a are temporarily suspended upon submittal of a TRE Action Plan. Such suspension of retesting requirements applies only to the species under evaluation by a TRE and only to the period during which a TRE is being performed.

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:

- (1) The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- (2) The mean number of *Ceriodaphnia dubia* neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- (3) Sixty (60) percent of the surviving *Ceriodaphnia dubia* females in the control must produce three broods.
- (4) 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.
- (5) 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 and for the survival and growth endpoints of the Fathead minnow test.
- (6) The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or sublethal effects are exhibited for the young of surviving females in the *Ceriodaphnia dubia* reproduction test and for the growth and survival endpoints of the Fathead minnow test.
- (7) As documented at test termination, no more than forty (40) percent of the *Ceriodaphnia dubia* test organisms in the control (0% effluent) or any effluent dilution shall be male.
- (8) The Percent Minimum Significant Difference (PMSD) shall be in the range of 13-47 for *Ceriodaphnia dubia* reproduction. If the test PMSD is less than 13, 13 may be substituted for the PMSD.
- (9) The PMSD shall be in the range of 12-30 for Fathead minnow growth. If the test PMSD is less than 12, 12 may be substituted for the the PMSD.

If the above criteria or criteria listed in Item 1.a is not met the test will be considered invalid. Test failure may not be construed or reported as invalid due to a coefficient of variation value for toxicity of greater than 40% for replicates tested at the critical dilution. A repeat test shall be conducted and the biomonitoring enforcement coordinator notified, within the reporting period of any test determined to be invalid.

- b. The permittee shall follow the requirements listed below in determining success or failure of a WET test:
- (1) The statistical analyses in the *Ceriodaphnia dubia* survival test, 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 most recent update thereof.
 - (2) The statistical analyses in the *Ceriodaphnia dubia* reproduction test and the Fathead minnow larval survival and growth test, 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 most recent update thereof.

- (3) 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 an $NOEC_L$ of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.
- c. The permittee shall use dilution water that meets the following standards:
- (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 where the toxicity test is conducted on an effluent discharge to a receiving stream classified as intermittent or to a receiving stream with no flow due to zero flow conditions.
 - (2) If the receiving water is unsatisfactory as a result of instream toxicity (fails to meet the test acceptance criteria in Item 3.a), the permittee must submit the test results exhibiting receiving water toxicity with the full test report required in Item 4 below and may thereafter 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 was carried out to completion (i.e., 48 hours); and
 - (c) the synthetic dilution water had 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. The permittee shall collect samples that are representative of their effluent by following the criteria listed below:
- (1) Unless grab sampling is specifically authorized in Part I of the permit, the permittee shall collect two flow-weighted 24-hour composite samples representative of the flows during normal operation from the outfall(s) listed at Item 1.a above. If grab sampling is authorized, all the requirements listed below for composite sampling also pertain to grab sampling. In such cases, collection of the grab sample is considered equivalent to collection of the last portion of a composite sample. Unless otherwise specified in Part I of the permit, a 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.
 - (2) The second composite effluent sample shall be used to initiate each test. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the second composite sample. Samples shall be chilled to maintain a temperature at or below 6° C but not frozen during collection, shipping, and/or storage.
 - (3) 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.
 - (4) If it is anticipated that flow from the outfall being tested may cease prior to collection of the second

effluent sample, the permittee must ensure that the second composite effluent sample is of sufficient volume to complete the required testing with daily renewal of effluent. The abbreviated effluent composite sample collection duration, the static renewal protocol associated with an abbreviated sample collection, and a summary of the circumstances justifying collection of an abbreviated sample must be adequately documented in the full test report required in Item 4 of this section. DEQ reserves the right to require a retest and/or consider the permittee in violation of this permit if the basis offered for justification of an abbreviated sample is insufficient, flawed, or in any way reflects an effort on the part of the permittee to avoid test failure by use of an abbreviated sample.

4. Reporting

- a. The permittee shall provide a full laboratory report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-012 for every valid or invalid toxicity test initiated, whether carried to completion or not, including any test which is considered invalid, is terminated early for any reason, or which indicates receiving water toxicity. The permittee shall retain each full report pursuant to the records retention provisions of Part III of this permit. The permittee shall submit to DEQ full laboratory test reports for all tests initiated, regardless of whether the tests are carried to completion. The reports shall be postmarked or received no later than the 15th day of the month following completion of the test.
- b. A valid test for each species (excluding retests) must be reported on the DMR for 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. A DMR must be postmarked or received by the 15th day of the month following completion of any valid test to DEQ. The full report for the test (see Item 4.a above) shall be submitted along with the DMR. If a lethal and/or sublethal test failure is experienced for either test species, two copies of the blank retest section of the DMR for the applicable reporting period shall be made in advance of completing and submitting the DMR so that the retest DMR copies may be used to report results of the required retests.

If more than one valid test (excluding retests) is performed on a species during a reporting period, the permittee shall report the lowest lethality and sublethality NOEC effluent concentrations for all such tests as the 7-day minimum on the DMR for the reporting period in question, specifying the dates of each test in the comments section of the DMR. Under no circumstance shall the monitoring/reporting period dates at the top of the DMR form be altered.

- c. If any test results in anomalous NOEC_L or NOEC_S findings (i.e., it indicates an interrupted dose response across the dilution series), DEQ recommends that the permittee contact a DEQ biomonitoring coordinator for a technical review of the test results prior to submitting the full test report and DMR. A summary of all tests initiated during the reporting period, including invalid tests, repeat tests and retests, shall be attached to the reporting period DMR for DEQ review.

A test is a REPEAT test if it is performed as the result of a previously invalid test. A test is a RETEST if it is performed as the result of a previously failed test, the exception being where the test is the second (valid) test of a reporting period, in which case it is reported as such on the DMR for that period.

(1) The reporting period test summary attached to the DMR shall be organized as follows:

- (a) Invalid tests (basis for test invalidity must be described)
- (b) Valid tests (other than retests) initiated during current reporting period
- (c) Valid retests for tests failed during previous reporting period (if not submitted in the previous reporting period test summary)

- (d) Valid retests for tests failed during current reporting period.
- (2) The following information shall be listed in the reporting period test summary for each valid test in categories (b) through (d) in Item 4.b(1) above:
- (a) Test species
 - (b) Date of test initiation at laboratory
 - (c) Results of all concurrent effluent analyses specified in Part I of this permit
 - (d) All test result parameters for the test species specified in Item 4.c below.
- d. The permittee shall report the following results for all VALID toxicity tests (excluding retests) on the DMR(s) for that reporting period in accordance with Item 4.b above and Part III of this permit.

Ceriodaphnia dubia

- (1) Parameter TLP3B: If the *Ceriodaphnia dubia* NOEC_L for survival is less than the critical dilution, report a "1"; otherwise, report a "0".
- (2) Parameter TOP3B: Report the *Ceriodaphnia dubia* NOEC_L value for survival.
- (3) Parameter TJP3B: Report the *Ceriodaphnia dubia* percent mortality in the critical dilution at test completion.
- (4) Parameter TGP3B: If the *Ceriodaphnia dubia* NOEC_S for reproduction is less than the critical dilution, report a "1"; otherwise, report a "0".
- (5) Parameter TPP3B: Report the *Ceriodaphnia dubia* NOEC_S value for reproduction.
- (6) Parameter TQP3B: Report the highest coefficient of variation (critical dilution or control) for *Ceriodaphnia dubia* reproduction.

Pimephales promelas (Fathead minnow)

- (1) Parameter TLP6C: If the Fathead minnow NOEC_L for survival is less than the critical dilution, report a "1"; otherwise, report a "0".
- (2) Parameter TOP6C: Report the Fathead minnow NOEC_L value for survival.
- (3) Parameter TJP6C: Report the Fathead minnow percent mortality in the critical dilution at test completion.
- (4) Parameter TGP6C: If the Fathead minnow NOEC_S for growth is less than the critical dilution, report a "1"; otherwise, report a "0".
- (5) Parameter TPP6C: Report the Fathead minnow NOEC_S value for growth.
- (6) Parameter TQP6C: Report the highest coefficient of variation (critical dilution or control) for Fathead minnow survival and growth.

- e. The permittee shall report the following results for all VALID toxicity retests on the DMR(s) for that reporting period.
- (1) Retest #1 (STORET 22415): If the second monthly retest following failure of a routine test for either test species results in an $NOEC_L$ and/or $NOECs$ less than the critical dilution, report a "1"; otherwise, report a "0".
 - (2) Retest #2 (STORET 22416): If the second monthly retest following failure of a routine test for either test species results in an $NOEC_L$ and/or $NOECs$ less than the critical dilution, report a "1"; otherwise, report a "0".

Results of all retests shall be reported on a copy of the DMR for the reporting period (see Item 4.b above) in which the triggering routine test failure is experienced. Such retest results (using STORET codes 22415 and 22416 only) shall be postmarked or received no later than the 15th day of the month following completion of the retest. The full report for the retest (see Item 4.a above) shall be submitted along with the retest DMR. Even if a retest cannot be conducted before the end of the reporting period for which it is required (due to test initiation interval requirements), the retest results shall still be reported for the reporting period in which the triggering test failure is experienced. Under no circumstance shall the monitoring/reporting period dates for a supplemental retest DMR ever be modified. The permittee shall indicate the retest date in the comments section of the supplemental DMR and insert the date the DMR is submitted in the lower right hand corner. In this manner, both retests are reported for the same reporting period as the failed routine test triggering the retests. If retesting is not required during a given reporting period, the permittee shall leave the DMR retest fields blank.

5. Monitoring Frequency Reduction

- a. The permittee may apply for a testing frequency reduction upon the successful completion of the first year of testing for the Fathead minnow and successful completion of the second year of testing for *Ceriodaphnia dubia* with no lethal or sublethal effects demonstrated at or below the critical dilution. Certification in accordance with Item 5.b of this section shall be submitted with the application for monitoring frequency reduction. If granted, the monitoring frequency may be reduced to a minimum of 6 months (once each during the periods June 1 through September 30 and December 1 through March 31) for either test species.
- b. Certification – The permittee must certify in writing that no lethal or sublethal test failures have occurred for the species for which the monitoring frequency reduction is being requested and that all tests meet all test acceptability criteria in Item 3.a above. In addition, the permittee must provide a summary of all tests initiated during the period of certification including test initiation dates, species, test acceptability parameters, $NOEC_L$ values, percent mortality at the critical dilution, $NOEC_S$ values, and coefficients of variation for the controls and critical dilutions. If the certification is approvable, DEQ will issue a letter of confirmation of the monitoring frequency reduction. A copy of the confirmation letter will be forwarded to DEQ's Permit Compliance System unit to update the permit reporting requirements. DEQ may refuse to approve the certification if it determines that, during the period for which the certification is submitted, there were errors in meeting test acceptability requirements, errors in statistical interpretation affecting test results reported on DMRs, late submissions of test reports or submissions of substantively incomplete test reports. If the certification is not approved, the permittee shall continue biomonitoring of the affected test species at a frequency of once per quarter until the permit is reissued.
- c. Lethal and/or sublethal failures after a monitoring frequency reduction – If any lethal or sublethal endpoint test is failed at any time after the granting of a monitoring frequency reduction, two monthly retests are required for that species in accordance with Item 2 above and the monitoring frequency for the affected test species shall be increased to the WET testing frequency prescribed in Part I until the permit is reissued. If the permittee is performing a TRE this section does not apply.

6. Toxicity Reduction Evaluation (TRE)

- a. Within ninety (90) days of confirming toxicity in the retests for a test species, the permittee shall submit to DEQ a TRE Action Plan and Schedule for conducting a Toxicity Reduction Evaluation (TRE). The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity and include the following:

- (1) Specific Activities. DEQ requires that a thorough audit of the design, operation and maintenance of the entire plant be done at the **outset** of the Toxicity Identification Evaluation (TIE) and/or TRE, rather than later in the process.

The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures, the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003) and "Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA-600/6-91/005F), or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.

The documents referenced above may be available through the

National Technical Information Service (NTIS)

U.S. Department of Commerce
National Technical Information Service
5301 Shawnee Rd., Alexandria, VA 22312
orders@ntis.gov
(800) 553-NTIS (6847), or at the

National Service Center for Environmental Publications (NSCEP)

U.S. EPA/NSCEP
P.O. Box 42419
Cincinnati, Ohio 45242-0419
1-(800) 490-9198

E-mail: nscep@bps-lmit.com

- (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 48 hours of test initiation, each composite sample shall be analyzed independently. Otherwise, the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis.

- (3) Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.).
- (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 submitting the plan and schedule. The permittee shall assume all risks for failure to achieve the required toxicity reduction.
- c. The permittee shall submit to DEQ a quarterly TRE Activities Report with the Discharge Monitoring Report in months to be specified in their TRE plan, containing the following information:
 - (1) all data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
 - (2) all studies/evaluations and results on the treatability of the facility's effluent toxicity; and
 - (3) all data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at any dilution.
- d. The permittee shall submit to DEQ a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months after confirming toxicity in the retests. The final report shall provide information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to a 48-hour LC₅₀ effluent value of greater than 100%. The final report will also provide a schedule for implementing the selected control mechanism.
- e. Quarterly testing during the TRE is the minimum monitoring requirement. DEQ recommends that permittees performing a TRE not rely on quarterly testing alone. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity per federal regulations at 40 CFR 122.44(d)(1)(v).

G. SURFACE IMPOUNDMENT REQUIREMENTS

Not applicable since there are no surface impoundments located at this facility.

H. OTHER DISPOSAL METHODS

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a State-approved industrial waste disposal site or to a company for recycling.

If any such industrial wastes are removed from the facility, the permittee shall keep accurate records which include the following information:

- a. Name and address of company hauling waste.
- b. The type and amount of waste hauled.
- c. The final disposal site of waste hauled.

Upon request, the above records shall be made available to the staff of the Department for inspection, review, and copy