

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

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

The City of Claremont, New Hampshire

is authorized to discharge from the Wastewater Treatment Plant located at

**338 Plains Road
Claremont, NH 03743**

to receiving waters named

Sugar River (Hydrologic Code: 01080104)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein, including, but not limited to, conditions requiring the proper operation and maintenance of Claremont's wastewater collection system.

This permit shall become effective on the first day of the calendar month immediately following 60 days after signature.

This permit and the authorization to discharge expire at midnight, five (5) years from the last day of the month preceding the effective date.

This permit supersedes the permit issued on September 29, 2000.

This permit consists of Part I (12 pages including effluent limitations and monitoring requirements); Attachment A (Freshwater Chronic and Modified Acute Toxicity Test Procedure and Protocol, December 1995); Attachment B (Self Implementing Alternate Dilution Water Guidance); Attachment C (NPDES Permit Sludge Compliance Guidance, November 1999, 72 pages); and Part II (General Conditions and Definitions).

Signed this 28th day of September, 2006

/s/ SIGNATURE ON FILE

Linda M. Murphy, Director
Office of Ecosystem Protection
U.S. Environmental Protection Agency (EPA)
Region I
Boston, Massachusetts

PART I A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through expiration, the permittee is authorized to discharge from outfall serial number 001 to the Sugar River, treated sanitary, commercial and industrial wastewater effluent. Such discharges shall be limited and monitored by the permittee as specified below. Samples taken in compliance with the monitoring requirements specified below shall be taken at a location that provides a representative analysis of the effluent.								
<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>						<u>MONITORING REQUIREMENTS</u>	
	Mass Limits			Concentration Limits				
PARAMETER	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	MEASUREMENT FREQUENCY	SAMPLE TYPE ²
Flow	***	***	***	REPORT	***	REPORT	CONTINUOUS	RECORDER ¹
CBOD ₅	811 lbs/Day	1298 lbs/Day	1460 lbs/Day	25 mg/l	40 mg/L	45 mg/l	2/WEEK ²	24-HOUR COMPOSITE
TSS	973 lbs/Day	1460 lbs/Day	1622 lbs/Day	30 mg/l	45 mg/l	50 mg/l	2/WEEK ²	24-HOUR COMPOSITE
Ammonia Nitrogen as N (June –October) ^{3,4}	234 lbs/Day	***	367 lbs/Day	7.2 mg/l	***	11.3 mg/l	2/WEEK	24-HOUR COMPOSITE
Ammonia Nitrogen as N (November – May) ^{3,4}	354 lbs/Day	***	Report lbs/Day	10.9 mg/l	***	REPORT mg/l	2/WEEK	24-HOUR COMPOSITE
Dissolved Oxygen ⁴	Not Less Than 7.0 mg/l						1/DAY	GRAB
pH Range ⁴	6.5 - 8.0 SU SEE PERMIT PAGE 5 OF 10, PARAGRAPH I.E.1.A						1/DAY	GRAB
<i>Escherichia Coli</i> , Colonies/100 ml ^{5, 6}	***	***	***	126 col/100 ml	***	406 col/100 ml	3/WEEK	GRAB
Total Residual Chlorine ⁷	***	***	***	0.072 mg/l	***	0.12 mg/l	1/DAY	GRAB

PART I.A.1. Continued								
<u>EFFLUENT CHARACTERISTIC</u>	<u>EFFLUENT LIMITS</u>						<u>MONITORING REQUIREMENTS</u>	
	Mass Limits			Concentration Limits				
PARAMETER	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	AVERAGE MONTHLY	AVERAGE WEEKLY	MAXIMUM DAILY	MEASUREMENT FREQUENCY	SAMPLE TYPE
Total Recoverable Copper ⁸	***	***	***	18.55 ug/l	***	24.64 ug/l	4/YEAR	24-HOUR COMPOSITE
Whole Effluent Toxicity ^{9,10,11,12,13}	Acute LC ₅₀ ≥100% Chronic NOEC ≥15.4%						4/YEAR	24-HOUR COMPOSITE
Hardness ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE
Total Recoverable Aluminum ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE
Total Recoverable Cadmium ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE
Total Recoverable Chromium ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE
Total Recoverable Lead ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE
Total Recoverable Nickel ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE
Total Recoverable Zinc ¹⁴	***	***	***	***	***	Report	4/YEAR	24-HOUR COMPOSITE

See pages 4 and 5 for explanation of footnotes

FOOTNOTES TO PART I.A.1

- (1) The effluent flow shall be continuously measured and recorded using a flow meter and totalizer.
- (2) To monitor the 85 percent removal of BOD₅ and TSS required in Part I.A.4, the influent concentrations of both BOD₅ and TSS shall be monitored twice per month using a 24-Hour Composite sample and the results reported as average monthly values.
- (3) Summer period is defined as June 1st through October 31st and the winter period is defined as November 1st through May 31st.
- (4) State certification requirement.
- (5) Monitoring for *Escherichia coli* bacteria as described in footnote (5) below shall be conducted concurrently with the daily monitoring for Total Residual Chlorine (TRC) as described in footnote (6) below.
- (6) The average monthly value for *Escherichia coli* shall be determined by calculating the geometric mean. *Escherichia coli* shall be tested using test method 1103.1 found in *Escherichia coli* (*E. coli*) in **Water by Membrane Filtration Using membrane-Thermotolerant *Escherichia coli* Agar (mTec)**, EPA-821-R-02-020.
- (7) Total residual chlorine shall be measured using any one of the following three methods listed in a. through c. below:
 - a) DPD spectrophotometric (colorimetric): EPA No. 330.5 or *Standard Methods* [18th or subsequent edition(s)] as published in 40 C.F.R. Part 136, No. 4500-C1 G.
 - b) DPD titrimetric (ferrous titrimetric): EPA No.330.4 or *Standard Methods* [18th or subsequent edition(s)] as published in 40 C.F.R. Part 136, No. 4500-C1 F.
 - c) Amperometric titration: EPA No. 330.1 or *Standard Methods* [18th or subsequent edition(s)] as published in 40 C.F.R. Part 136, No. 4500-C1 D or ASTM No. D1253-86(92).
- (8) The minimum level (ML) for copper is defined as 3 ug/l. This value is the minimum level for copper using the Furnace Atomic Absorption analytical method (EPA Method 220.2). This method must be used to determine total copper. For effluent limitations less than 3 ug/l, compliance/non-compliance will be determined based on the ML. Sample results of 3 ug/l or less shall be reported as zero on the Discharge Monitoring Report.
- (9) LC50 (lethal concentration 50 percent) is the concentration of wastewater (effluent) causing mortality to 50 percent (%) of the test organisms. The "100 % limit" is defined as a sample which is composed of 100 percent effluent. Therefore, a 100 % limit means that a sample of 100 % effluent (no dilution) shall cause no greater than a 50 % mortality rate in that effluent sample. The limit is considered to be a maximum daily limit.
- (10) The permittee shall conduct (and modified acute) survival and reproduction, and survival and growth WET tests on effluent samples using two species, Daphnid (*Ceriodaphnia dubia*) and Fathead Minnow (*Pimephales promelas*) respectively, following the protocol listed in Attachment A (Freshwater Chronic and Modified Acute Toxicity Test Procedure and Protocol dated

December 1995). Toxicity test samples shall be collected and tests completed four (4) times per year during the calendar quarters ending March 31st, June 30th, September 30th and December 31st. Toxicity test results are to be postmarked by the 15th day of the month following the end of the quarter sampled.

- (11) This permit shall be modified, or alternatively, revoked and reissued to incorporate additional toxicity testing requirements, including chemical specific limits such as for metals, if the results of the toxicity tests indicate the discharge causes an exceedance of any State water quality criterion. Results from these toxicity tests are considered "New Information" and the permit may be modified as provided in 40 CFR Section 122.62(a)(2).
- (12) C-NOEC (Chronic-No Observed Effect Concentration) is defined as the **highest** concentration of toxicant or effluent to which organisms are exposed in a life-cycle or partial life-cycle test. This concentration should cause no adverse effect on growth survival, or reproduction at a specific time of observation as determined from hypothesis testing where the test results (growth, survival, and/or reproduction) exhibit a linear dose-response relationship. However, where the test results do not exhibit a linear dose-response relationship, report the lowest concentration where there is no observable effect. See **Attachment A** (VII. Toxicity Test Data Analysis) on page A-9, for additional clarification.
- (13) The (15.4 percent equal to or greater than limit" is defined as a sample which is composed of 15.4% (or greater) effluent, the remainder being dilution water. This is the minimum percentage of effluent at which no acute or chronic effects will be observed.
- (14) For each WET test the permittee shall report on the appropriate Discharge Monitoring Report, (DMR), the concentrations of the Hardness, Ammonia Nitrogen as Nitrogen, Total Recoverable Cadmium, Chromium, Copper, Lead, Aluminum, Nickel, and Zinc found in the 100 percent effluent sample. **Unless specific Minimum Level (MLs) are specified in the footnotes, all aforementioned chemical parameters shall be determined to at least the ML shown in Attachment A on page A-7, or as amended.** The permittee should also note that all chemical parameter results must still be reported in the appropriate WET test report. Total Aluminum, Cadmium, Chromium, Lead, Nickel and Zinc monitoring is required as noted on page 3.

I.A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- 2. The discharge shall not cause a violation of the water quality standards of the receiving water.
- 3. The permittee shall not discharge into the receiving water any pollutant or combination of pollutants in toxic amounts.
- 4. The discharge shall be adequately treated to insure that the surface water remains free from pollutants in concentrations or combinations that settle to form harmful deposits, float as foam, debris, scum or other visible pollutants. It shall be adequately treated to insure that the surface waters remain free from pollutants which produce odor, color, taste or turbidity in the receiving waters which is not naturally occurring and would render it unsuitable for its designated uses.
- 5. The permittee's treatment facility shall maintain a minimum of 85 percent removal of both CBOD₅ and TSS. The percent removal shall be based on a comparison of average monthly influent versus effluent concentrations.

6. When the effluent discharged for a period of 3 consecutive months exceeds 80 percent of the 3.89 MGD design flow (3.1 MGD), the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans. Before the design flow will be reached, or whenever treatment necessary to achieve permit limits cannot be assured, the permittee may be required to submit plans for facility improvements.

7. All POTWs must provide adequate notice to both EPA-New England and the New Hampshire Department of Environmental Services, Water Division (NHDES-WD) of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger in a primary industry category (see 40 CFR §122 Appendix A as amended) discharging process water; and
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- c. For purposes of this paragraph, adequate notice shall include information on:
 - (1) the quantity and quality of effluent introduced into the facility; and
 - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility.

8. Limitations for Industrial Users:

The permittee shall provide the EPA and the NHDES-WD the name of any Industrial User subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N **who commence discharge to the POTW after the effective date of this permit.** This reporting requirement also applies to any other Industrial User that discharges an average of 25,000 gallons per day or more of process water into the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Control Authority as defined in 40 CFR §403.12(a) on the basis that the industrial user has the reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR §403.8(f)(6)).

9. In the event that the permittee receives reports (baseline monitoring reports, 90-day compliance reports, periodic reports on continued compliance, etc.) from Industrial Users subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR Chapter I, Subchapter N, the permittee shall forward all copies of these reports within ninety (90) days of their receipt to EPA and NHDES-WD.

B. UNAUTHORIZED DISCHARGES

The permit only authorizes discharges in accordance with the terms and conditions of this permit and only from the outfall listed in Part I A.1. of this permit. Discharges of wastewater from any other point sources, including sanitary sewer overflows (SSOs) are not authorized by this permit and shall be reported in accordance with Part II, Section D.1.e. (1) of the General Requirements of this permit (Twenty-four hour reporting).

C. OPERATION AND MAINTENANCE OF THE SEWER SYSTEM

Operation and maintenance of the sewer system shall be in compliance with the General Requirements of Part II and the following terms and conditions. The permittee is required to complete the following activities for the collection system which it owns:

1. Maintenance Staff

The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit.

2. Preventative Maintenance Program

The permittee shall maintain an ongoing preventative maintenance program to prevent overflows and bypasses caused by malfunctions or failures of the sewer system infrastructure. The program shall include an inspection program designed to identify all potential and actual unauthorized discharges.

3. Infiltration/Inflow

The permittee shall control infiltration and inflow into their sewer systems as necessary to prevent high flow-related unauthorized discharges from their collection systems and high flow-related violations of the wastewater treatment plant's effluent limitations.

The permittee shall each submit a summary report of all actions taken to minimize I/I during the previous calendar year to EPA and the NHDES by **February 28th of each year**. The report shall also include a summary of unauthorized discharges during the previous calendar year which were caused by inadequate sewer system capacity, excessive I/I and operational/maintenance problems, including a status of action items necessary to eliminate the discharges. The information reported shall include the date, location, duration and volume of discharge as well as the cause of the overflow and the receiving water.

D. ALTERNATE POWER SOURCE

In order to maintain compliance with the terms and conditions of this permit, the permittee and co-permittees shall provide an alternate power source with which to sufficiently operate its publicly owned treatment works, as defined at 40 CFR §122.2, which references the definition at 40 CFR 403.3(o).

E. SLUDGE CONDITIONS

1. The permittee shall comply with all existing federal & state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.
2. The permittee shall comply with the more stringent of either the state (Env-Ws 800) or federal (40 CFR Part 503) requirements.
3. The requirements and technical standards of 40 CFR Part 503 apply to facilities which perform one or more of the following use or disposal practices.
 - a. Land application - the use of sewage sludge to condition or fertilize the soil.
 - b. Surface disposal - the placement of sewage sludge in a sludge only landfill.
 - c. Placement of sludge in a municipal solid waste landfill (See 40 CFR Section 503.4).
 - d. Sewage sludge incineration in a sludge only incinerator.
 - e.
4. The 40 CFR Part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions do not apply to facilities which do not dispose of sewage sludge during the life of the permit, but rather treat the sludge (lagoons, reed beds), or are otherwise excluded under 40 CFR Section 503.6.
5. The permittee shall use and comply with the NPDES Permit Sludge Compliance Guidance, November 1999, (Attachment D) to determine appropriate conditions. Appropriate conditions contain the following elements.
 - a. General requirements
 - b. Pollutant limitations
 - c. Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
 - d. Management practices
 - e. Record keeping
 - f. Monitoring
 - g. Reporting

Depending upon the quality of material produced by a facility all conditions may not apply to the facility.
6. The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction for the permittee's chosen sewage sludge use or disposal practices at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year.
 - a. less than 2901/Year
 - b. 290 to less than 1,500.....1/Quarter
 - c. 1,500 to less than 15,000... 6/Year
 - d. 15,000 plus..... 1/Month
7. The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR Section 503.8.

8. The permittee shall submit an annual report containing the information specified in the attached Sludge Compliance Guidance document. Reports are **due annually by February 19th**. Reports shall be submitted to both addresses (EPA-New England and NHDES-WD) contained in the reporting section of the permit.

F. INDUSTRIAL PRETREATMENT

1. The Permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, 40 CFR 403. At a minimum, the Permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):
 - a. Carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.
 - b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.
 - c. Obtain appropriate remedies for noncompliance by any industrial user with any pretreatment standard and/or requirement.
 - d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.
 - e. Within 90 days of the effective date of this permit, the permittee shall submit to NHDES-WD a copy of its current sewer use ordinance and current local limits. Submittal shall include adoption dates for the documents and a narrative indicating any anticipated changes.
 - f. Within 120 days of the effective date of this permit, the permittee shall submit to NHDES-WD a current list of all users discharging industrial waste to the municipal wastewater treatment plant. As a minimum, the list shall indicate the name and address of each industry, along with the following information: telephone number, contact person, facility description, production quantity, products manufactured, industrial processes used, chemicals used in processes, existing level of pretreatment, and type and class of existing discharge permit(s). Submittal shall include a blank or typical permit for each classification and a description of the classification system.
2. The Permittee shall provide the EPA and NHDES-WD with an annual report describing the Permittee's pretreatment program's activities in accordance with 40 CFR 403.12(i). The annual period is defined as October 1st through September 30th. The annual report shall be consistent with the format described in Attachment C of this permit and shall be submitted no later than November 1st of each year.

3. The Permittee must obtain approval from EPA prior to making any significant changes to the industrial pretreatment program in accordance with 40 CFR 403.18(c).
4. The Permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the Federal Regulations at 40 CFR 405 et. seq.
5. The Permittee must modify its pretreatment program to conform to all changes in the Federal Regulations that pertain to the implementation and enforcement of the industrial pretreatment program. The permittee must provide EPA, in writing, within 180 days of this permit's effective date proposed changes to the Permittee's pretreatment program deemed necessary to assure conformity with current Federal Regulations. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending EPA New England's approval under 40 CFR 403.18. This submission is separate and distinct from any local limits analysis submission described in Part I.A.8.c. of this permit.

G. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar month and reported on separate Discharge Monitoring Report Form(s) (DMRs) postmarked no later than the 15th day of the month following the completed reporting period.

Signed and Dated original DMRs and all other reports required herein or in **Part II**, shall be submitted to the Director at the following address:

U.S. Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114-8127

Duplicate signed copies of all written reports or notifications required in herein or in Part II shall be submitted to the State at:

New Hampshire Department of Environmental Services
Water Division
Wastewater Engineering Bureau
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

All verbal reports and written reports shall be made to both EPA-New England and to NHDES.

H. STATE PERMIT CONDITIONS

1. The permittee shall comply with the following conditions which are included as State Certification requirements.
 - a. The pH range of 6.5 to 8.0 Standard Units (S.U.) must be achieved in the final effluent unless the permittee can demonstrate to NHDES-WD: (1) that the range should be widened due to naturally occurring conditions in the receiving water or

(2) that the naturally occurring receiving water pH is not significantly altered by the permittee's discharge. The scope of any demonstration project must receive prior approval from NHDES-WD. In no case, shall the above procedure result in pH limits outside of the range of 6.0 to 9.0 S.U., which is the federal effluent limitation guideline regulation for pH for secondary treatment and is found in 40 CFR §133.102(c).

- b. Pursuant to State Law NH RSA 485-A:13 and the New Hampshire Code of Administrative Rules, Env-Wq 703.07(a) and Env-Ws 904.10 the following submissions shall be made to the NHDES-WD by a municipality proposing to accept into its POTW (including sewers and interceptors):
 - (1) An "Application for Sewer Connection Permit" for any proposal to construct or modify any of the following:
 - (a) Any extension of a collector or interceptor, whether public or private, regardless of flow;
 - (b) Any wastewater connection or other discharge in excess of 5,000 gpd;
 - (c) Any wastewater connection or other discharge to a wastewater treatment facility operating in excess of 80 percent design flow capacity for 3 consecutive months;
 - (d) Any industrial wastewater connection or change in existing discharge of industrial wastewater, regardless of quality or quantity; and
 - (e) Any sewage pumping station greater than 50 gpm or serving more than one building.
 - (2) An "Industrial Wastewater Discharge Request Application" for new or increased loadings of industrial waste, in accordance with Env-Ws 904.10.
- c. The permittee shall not at any time, either alone or in conjunction with any person or persons, cause directly or indirectly the discharge of waste into the said receiving water unless it has been treated in such a manner as will not lower the legislated water quality classification or interfere with the uses assigned to said water by the New Hampshire Legislature (RSA 485-A:12).
- d. Any modifications of the Permittee's Sewer Use Ordinance, including local limitations on pollutant concentrations, shall be submitted to the NHDES-WD for approval prior to adoption by the permittee.
- e. Within 90 days of the effective date of this permit, the permittee shall submit to NHDES-WD a copy of its current sewer use ordinance if it has been revised since any previously approved submittal.
- f. Within 120 days of the effective date of this permit, the permittee shall submit to NHDES-WD a current list of all industries discharging industrial waste to the municipal wastewater treatment plant. As a minimum, the list shall indicate the

name and address of each industry, along with the following information: telephone number, contact person, products manufactured, industrial processes used, existing level of pretreatment, and list of existing industrial discharge permits with effective dates.

2. This NPDES Discharge Permit is issued by the EPA-New England under Federal and State law. Upon final issuance by the EPA-New England, the NHDES-WD may adopt this permit, including all terms and conditions, as a State permit pursuant to RSA 485-A:13.

Each Agency shall have the independent right to enforce the terms and conditions of this Permit. Any modification, suspension or revocation of this Permit shall be effective only with respect to the Agency taking such action, and shall not affect the validity or status of the Permit as issued by the other Agency, unless and until each Agency has concurred in writing with such modification, suspension or revocation.

I. SPECIAL CONDITIONS

The permittee may submit a written request to the EPA-New England requesting a reduction in the frequency (to not less than once per year) of required toxicity testing, after completion of a minimum of the most recent four (4) successive toxicity tests of effluent, all of which must be valid tests and demonstrate compliance with the permit limits for whole effluent toxicity. Until written notice is received by certified mail from the EPA-New England indicating that the WET testing requirement has been changed, the permittee is required to continue testing at the frequency specified in the respective permit.

J. REOPENER CLAUSE

This permit may be modified or revoked and reissued in accordance with 40 CFR § 122.62(a) (Causes for modification) or (b) (Causes for modification or revocation and reissuance). One basis for reopening and modifying the permit during its term is the receipt of information that was not available at the time of permit issuance and that would have justified the application of different permit conditions ("New Information"). See 40 CFR §122.62(a)(2). New Information may include, but is not limited to, an applicable final Total Maximum Daily Load ("TMDL"); other relevant water quality data or studies provided by any party; and the results of ESA Section 7 consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service. In addition to constituting New Information, the outcome of the ESA Section 7 consultation may also satisfy the requirements of 40 CFR § 122.62(b)(1).