



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

March 18, 2008

Certified Mail 7007 2560 0001 5461 8529
RETURN RECEIPT REQUESTED

In Reply Refer To: CWA-309(a)-08-027

Mr. Gabriel Patmont
Patmont Motor Werks
2220 Meridian Boulevard
Minden, Nevada 89423

Dear Mr. Patmont:

The enclosed Finding of Violation and Order addresses the Patmont Motor Werks facility's violations of national pretreatment standards. These standards, including the federal categorical standard for metal finishers, apply to the facility's wastewater discharges into Douglas County's sewer system and treatment plant. The Administrative Order ("Order"), which is a part of the enclosed document, establishes interim requirements because Douglas County Community Development cannot issue its own sewer discharge permits yet. The Order includes corrective actions to establish a final compliance sampling point, to have an effective pH treatment system in place, and to establish a self-monitoring schedule.

It is our understanding that Patmont Motor Werks ("Patmont") first became aware of the applicable national pretreatment standards during our November 26, 2007 inspection. Douglas County Community Development currently does not have a pretreatment program and, therefore, has not issued sewer discharge permits to any industrial users discharging to the Douglas County sewer system. However, the pretreatment regulations apply regardless of whether the industrial user operates under a permit.

Specifically, the Order requires Patmont to establish a final compliance sampling point that accounts for and allows the sampling of all process-related wastewater discharges to the sewer system. In addition, the Order requires Patmont to put into place an effective pH treatment system to achieve consistent compliance with applicable pH standards. Such a treatment system would also allow Patmont to comply with any local pH limits that Douglas County Community Development may establish in the future.

The Order requires self-monitoring for one year. However, after the one year ends, you should be aware that Patmont would still need to report to the Control Authority at least twice per year, as required by 40 CFR 403.12, to show compliance with the applicable categorical standard, 40 CFR 433. EPA is currently the Control Authority for Patmont.

Following are the key milestones and associated deadline dates of the Order:

| Item No. in the Order | Requirement | Deadline Date |
|------------------------------|---|---|
| 1 | Complete steps necessary to provide a final compliance sampling point. Submit notice of completion. | 4/30/08 |
| 2 | Submit preliminary engineering plan for providing effective pH treatment. | 4/30/08 |
| 3 | Submit notice of construction. | Upon commencement of construction or rehabilitation |
| 4 | Complete installation and startup of the wastewater treatment system. Submit notice of completion. | 6/30/08 |
| 5-9 | Begin one year of self-monitoring under this Order. | 5/1/08 |
| 5-9 | End self-monitoring under this Order. | 4/30/09 |

The enclosed Finding of Violation and Order is issued pursuant to Sections 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Clean Water Act (“the Act”) as amended [33 U.S.C. § 1318(a) and 1319(a)(3), (a)(4), and (a)(5)(A)]. Any violation of the terms of this Order or pretreatment standards could subject Patmont Motor Werks to a civil action for appropriate relief pursuant to Section 309(b) of the Act [33 U.S.C. § 1319(b)] and/or penalties under Section 309(d) of the Act [33 U.S.C. § 1319(d)] of up to \$32,500 per day of violation. In addition, under Section 309(g) of the Act [33 U.S.C. § 1319(g)], any violation of the pretreatment standards could also subject Patmont Motor Werks to an administrative penalty action of up to \$11,000 per day of violation not to exceed \$157,500. Sections 309(c)(1), (c)(2), and (c)(4) of the Act [33 U.S.C. § 1319(c)(1), (c)(2), and (c)(4)] also provide penalties for negligent violations, knowing violations, and knowingly making false statements.

If you have any questions regarding this matter, please contact Anna Yen of my staff at (415) 972-3976 or at yen.anna@epa.gov.

Sincerely,
 <Original signed by
 Karen Schwinn for >

Alexis Strauss
 Director, Water Division

Enclosure

cc: Jon Palm, Nevada Division of Environmental Protection
 Catherine Pool, Douglas County Community Development

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

| | | |
|---|---|------------------------------|
| In the Matter of |) | |
| |) | |
| Patmont Motor Werks |) | FINDING OF VIOLATION |
| Minden, Nevada |) | |
| |) | AND ORDER |
| Proceedings under Section 308(a) and 309(a)(3), |) | |
| (a)(4) and (a)(5)(A) of the Clean Water Act, as |) | Docket No. CWA-309(a)-08-027 |
| amended, 33 U.S.C. Section 1318(a) and |) | |
| 1319(a)(3), (a)(4) and (a)(5)(A) |) | |

STATUTORY AUTHORITY

The following Finding of Violation and Order (Docket No. CWA-309(a)-08-027) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) pursuant to Sections 308(a) and 309(a)(3), (a)(4), and (a)(5)(A) of the Clean Water Act [33 U.S.C. § 1318(a) and 1319(a)(3), (a)(4), and (a)(5)(A)] (hereinafter “the Act”). This authority has been delegated by the Administrator and the Regional Administrator of EPA Region 9 to the Director of the Water Division of EPA Region 9.

FINDING OF VIOLATION

The Director of the Water Division of EPA Region 9 finds that Patmont Motor Werks, (“Patmont”) in Minden, Nevada, is in violation of Section 307(d) of the Act [33 U.S.C. § 1317(d)]. This Finding is made on the basis of the following facts:

1. Section 307(d) of the Act [33 U.S.C. § 1317(d)] prohibits any owner or operator of any source from introducing pollutants into publicly owned treatment works (“POTWs”) in violation of any effluent standard or prohibition or pretreatment standard promulgated under Section 307 of the Act.

2. Under Section 307(b) of the Act [33 U.S.C. § 1317(b)], EPA promulgated the following general pretreatment regulations:
 - a. The national pretreatment standards in 40 CFR 403.5(b)(2) for all industrial dischargers into POTWs nationwide, which prohibit the introduction of pollutants that will cause corrosive structural damage to the POTW, and in no case have a pH below 5.0 s.u.;
 - b. The federal categorical pretreatment standards for metal finishing in 40 CFR 433 which require metal finishers that perform electroplating, electroless plating, anodizing, chemical coating, or chemical etching to comply with the standards for cadmium, chromium, copper, lead, nickel, silver, zinc, total or amenable cyanide, and total toxic organics, which are listed in 40 CFR 433.17 for new sources;
 - c. The national pretreatment standards in 40 CFR 403.12(e) and (g) for all industrial dischargers into POTWs which require categorical industrial users to submit, at least twice per year, periodic reports of sampling that is representative of the discharge to the sewers and indicate both the concentration of the discharge for all federally-regulated parameters and the flowrate of the discharge.
 - d. The definitions in 40 CFR 403.3 including the following term:
 - i. The term, Pretreatment Standards, means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act, [33 U.S.C. § 1317(b) and (c)], including the specific prohibitions and local limits established pursuant to 40 CFR 403.5(b) and (d).

3. Patmont Motor Werks is a corporation and, therefore, a person within the meaning of Section 502(5) of the Act [33 U.S.C. § 1362(5)]. Patmont is a non-domestic wastewater source in Minden, Nevada. Patmont introduces pollutants within the meaning of Section 502(6) of the Act [33 U.S.C. § 1362(6)] into the Douglas County domestic sewer system and the Douglas County North Valley Wastewater Treatment Plant, which is a POTW within the meaning of Section 307(b) of the Act and the pretreatment regulation in 40 CFR 403.3(q). Patmont is therefore subject to the provisions of the Act [33 U.S.C. § 1251 et seq., including Section 307, 33 U.S.C. § 1317].
4. On November 26, 2007, EPA inspectors and representatives of the Nevada Division of Environmental Protection as well as of Douglas County Community Development conducted a compliance evaluation inspection of Patmont:
 - a. Facility Description: Patmont owns and operates a go-cart and scooter production facility at 2220 Meridian Boulevard in Minden, Nevada:
 - i. The facility generates, for discharge to the sewers, wastewater from the phosphating process and tailwater from vibratory deburring.
 - ii. The operations began at this facility in 2003;
 - b. Wastewater Discharges to the Sewer: Patmont discharges process-related wastewaters into the Douglas County domestic sewer system which feeds into the Douglas County North Valley Wastewater Treatment Plant for discharge to the groundwater via percolation:
 - i. Wastewater from the phosphating process and tailwater from vibratory deburring discharge to a sump, the contents of which are pumped to an onsite wastewater treatment system;

- ii. The onsite wastewater treatment system, when first installed, consisted of pH adjustment using lime chips;
 - iii. The facility's self-monitoring pH data show that the lime chips in the wastewater treatment system are no longer effectively increasing pH; therefore, the lime is spent;
 - iv. The wastewater exits the wastewater treatment system into a floor drain which leads to the Douglas County sewer system.
- c. Prohibited Discharges: The following pH-related specific prohibition applies to the discharges from Patmont to the Douglas County sewer system: pH not less than 5.0 s.u. at any time.
- d. Categorical Standards: The federal categorical pretreatment standards in 40 CFR 433 for new source metal finishing operations apply to all process-related wastewater discharges from Patmont. Patmont is a new source, as defined in 40 CFR 403.3(m)(1), rather than an existing source, because operations in this facility began after August 31, 1982.
- i. 40 CFR 433 Applicability: Because Patmont performs one of the core metal finishing operations – chemical coating (specifically, phosphating), Patmont is subject to 40 CFR 433. The federal categorical pretreatment standards in 40 CFR 433 apply to all process wastewaters from the core operations as well as from any other onsite operation, such as deburring, as specifically listed in 40 CFR 433.10(a);
 - ii. Federal Standards as Applied to Patmont: The federal categorical pretreatment standards in the following table apply to the discharges from

Patmont at the final compliance sampling point. The final compliance sampling point accounts for all process-related wastewater discharges to the sewer system.

| Pollutant or Pollutant Property | | Maximum for any 1 day | Monthly average shall not exceed |
|---------------------------------|----------------------|--------------------------|--|
| | | (mg/l) | (mg/l) |
| Cd | Cadmium | 0.11 | 0.07 |
| Cr | Chromium | 2.77 | 1.71 |
| Cu | Copper | 3.38 | 2.07 |
| Pb | Lead | 0.69 | 0.43 |
| Ni | Nickel | 3.98 | 2.38 |
| Ag | Silver | 0.43 | 0.24 |
| Zn | Zinc | 2.61 | 1.48 |
| CN (T) | Total cyanide | 1.20 | 0.65 |
| CN (A) | Amenable cyanide | 0.86 | 0.32 |
| TTO | Total toxic organics | 2.13 | -- |

5. Patmont has not complied with the monitoring and reporting requirements of 40 CFR 433 and of 40 CFR 403.
6. The federal regulation 40 CFR 403 requires Patmont to self-monitor at least twice per year for all federally-regulated pollutants, resulting in at least 2 days of violation per year, for a total of 10 days of violation over the past 5 years.
7. The inspection report issued on January 15, 2008 of the November 26, 2007 EPA inspection of Patmont is by reference made part of this Finding of Violation and Order.

ADMINISTRATIVE ORDER

Considering the foregoing Finding of Violation, the potential environmental and human health effects of the violations, and all good faith efforts to comply, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to Section 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Act [33 U.S.C. § 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)], IT IS HEREBY ORDERED that Patmont comply with the following requirements:

Final Compliance Sampling Point

1. By **APRIL 30, 2008**, Patmont shall complete the steps necessary to provide a final compliance sampling point, and Patmont shall submit a notice of completion. The final compliance sampling point must meet the following requirements:
 - a. account for all process-related wastewater discharges to the sewers;
 - b. be readily accessible by Patmont staff and by County, State, and Federal inspectors;
 - c. be a point at which sampling is representative of all process-related wastewater discharges to the sewers over the reporting period.

pH Treatment

2. By **APRIL 30, 2008**, Patmont shall submit a preliminary engineering plan of the steps to be taken to provide effective pH treatment such that Patmont consistently complies with applicable pH-related pretreatment standards.

- a. If Patmont decides to replace its existing pH adjustment method of lime chips with a different method of pH adjustment, this preliminary engineering plan shall include the design of the proposed system, including existing components, modifications to existing components, and new components, that will be installed and operated to achieve consistent compliance with pH standards:
 - i. Components include, but are not limited to, equipment, piping, monitoring, instrumentation and telemetry.
 - ii. Submittal of the design of the proposed system shall include the following:
 - (a.) A written explanation of the design and operation of the proposed system, including the stages of pH control, the reagents in use, and the conceptual theory behind the pH control;
 - (b.) A schematic of the proposed system, with all components labeled.
- b. If Patmont decides instead to rehabilitate its existing wastewater treatment system retaining the use of lime chips for pH adjustment, this preliminary engineering plan shall include:
 - i. A written explanation of the steps for rehabilitation and the conceptual theory behind the pH treatment using the resulting rehabilitated system;
 - ii. A schematic of the rehabilitated system, with all components labeled;
 - iii. An operation and maintenance plan which will be kept on site and which Patmont staff will follow to provide a continuously functioning and effective pH treatment system.

- c. The preliminary engineering plan shall also include a schedule of construction which results in completion of installation and startup of the entire wastewater treatment system no later than June 30, 2008.
3. Patmont shall submit a notice of construction upon commencement of construction of the proposed system or upon commencement of rehabilitation of the existing system.
4. By **JUNE 30, 2008**, Patmont shall complete installation and startup of the entire wastewater treatment system to consistently comply with applicable pH standards, as required by Item 2 of this Order, and submit a notice of completion.

Self-Monitoring Requirements

5. From **MAY 1, 2008 THROUGH APRIL 30, 2009**, Patmont shall self-monitor the process-related wastewater discharges at the final compliance sampling point established as required by Item 1 of this Order.
 - a. **ONCE EVERY MONTH**, Patmont shall self-monitor the process-related wastewater discharges to the sewers for discharge flowrate and pH;
 - b. **ONCE EVERY QUARTER** (before June 28, 2008; September 28, 2008; December 28, 2008; and March 28, 2009), Patmont shall self-monitor the process-related wastewater discharges to the sewers for oil and grease, cadmium, chromium, copper, lead, nickel, silver, and zinc;
 - c. **ONCE EVERY SIX MONTHS** (before September 28, 2008, and March 28, 2009), Patmont shall self-monitor the process-related wastewater discharges to the sewers for total toxic organics and total cyanide;

d. The sampling required by Items 5a, 5b, and 5c of this Order must account for and be representative of the contributions from each of the following discharged wastewaters over the applicable reporting period:

- Vibratory deburring tailwater
- Phosphating wastewaters

6. Patmont shall self-monitor and analyze using the sampling protocols listed below and the EPA-approved analytical methods (or equivalent) necessary to achieve detection limits no greater than those indicated below:

| Parameters and Pollutants | Sampling Protocols | Detection Limits no greater than: |
|----------------------------------|--------------------------------|--|
| Cadmium | 24-hour composite* | 10 µg/l |
| Chromium | 24-hour composite* | 10 µg/l |
| Copper | 24-hour composite* | 10 µg/l |
| Lead | 24-hour composite* | 10 µg/l |
| Nickel | 24-hour composite* | 10 µg/l |
| Silver | 24-hour composite* | 10 µg/l |
| Zinc | 24-hour composite* | 10 µg/l |
| Cyanide – total | 24-hour manual composite grabs | 10 µg/l |
| Total toxic organics | Grab | 10 µg/l |
| Oil and grease – petroleum | Grab | 1 mg/l |
| Discharge flowrate | Unspecified | -- |
| pH | Field grabs | 0.1 s.u. |

* 24-hour composites may be replaced by grabs if the discharge is from a once-per-day batch discharge.

7. The total toxic organics self-monitoring required by Item 5c may be replaced by self-certifications, after approval by EPA of a toxic organics management plan as provided for in 40 CFR 433.12(a).

Submittals

8. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, Patmont shall submit all self-monitoring results for the previous month. The first monthly report is due on June 28, 2008 for the May 2008 self-monitoring. The 12th-and-last monthly report is due on May 28, 2009 for the April 2009 self-monitoring.
9. For each sample, Patmont shall record the following:
 - a. the sample results, including an indication when a result is out of compliance with applicable limits in the Pretreatment Standards;
 - b. the EPA analytical methods used;
 - c. the date, time, location of sampling, and sampling point;
 - d. the type of sample (i.e., 24-hour composite, grab, or manual composite);
 - e. any of the discharged wastewaters listed in Item 5(d) accounted for by the sample;
 - f. the name of the laboratory used; and
 - g. self-certifications in lieu of self-monitoring as allowed by Item 7 of this Order.
10. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Patmont and shall include the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that all wastewater samples analyzed and reported herein are representative of the ordinary process wastewater flow from this facility. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

11. All submittals shall be mailed to the following addresses:

U.S. ENVIRONMENTAL PROTECTION AGENCY, Region 9
75 Hawthorne Street
San Francisco, California 94105
Attn: Anna Yen (WTR-7)

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
Attn: Joe Maez

DOUGLAS COUNTY COMMUNITY DEVELOPMENT
P.O. Box 218
Minden, Nevada 89423
Attn: Catherine Pool

General Provisions

12. This Order is not and shall not be interpreted to be a National Pollutant Discharge Elimination System permit under Section 402 of the Act, [33 U.S.C. § 1342], nor a Douglas County or State of Nevada sewer discharge permit under 40 CFR 403.8(f)(1)(iii). In addition, this Order shall not in any way extinguish, waive, satisfy, or otherwise affect Patmont's obligation to comply with the Act or its regulations, as well as any other Federal, State or local law.
13. This Order takes effect upon signature.

March 14, 2008
Date

<Original signed by Karen Schwinn for>
Alexis Strauss
Director
Water Division