



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

CERTIFIED MAIL 7000 0520 0025 3711 8508
RETURN RECEIPT REQUESTED

September 28, 2006

In Reply Refer To: CWA-307-9-06-055

Jose Sandoval, Owner
Sanford Metal Processing
990 O'Brien Drive
Menlo Park, California 94025

Dear Mr. Sandoval:

This Administrative Order establishes a schedule of corrective actions to achieve consistent compliance with Federal standards. The findings behind this Order involve the untreated nature of the discharges from Sanford Metal Processing to the sewer and the resulting violations of the Federal metal finishing standards for cadmium and cyanide. In issuing this Order, EPA acknowledges that Sanford Metal Processing first became aware of the applicable Federal metal finishing standards during our April 4 inspection, and that the initial findings regarding overall compliance were first made in our September 21 inspection report.

The Order requires Sanford Metal Processing to either treat or cease the discharge of cadmium-bearing and amenable cyanide-bearing wastewaters, to provide final pH adjustment, and to self-monitor for one year. The key dates are as follows:

KEY DATES	ADMINISTRATIVE ORDER CWA-307-9-06-055
11/28/06	1. Submit a short response to the September 21 EPA inspection report. 2. Submit preliminary engineering plans for achieving consistent compliance with the Federal standards for cadmium and amenable cyanide. 4. Submit preliminary engineering plans for final pH adjustment.
12/01/06	6-9. Begin one year of self-monitoring under this Order. Daily pH measurements of each discharge sampling point. Quarterly sampling for metals, cyanide, and discharge flow rate. Twice per year sampling or self-certification for total toxic organics. Continuous pH monitoring beginning in April 2007.
03/28/07	3. Install treatment for cadmium-bearing and amenable cyanide-bearing wastewater or cease their discharge – Submit a notice of completion. 5. Install final pH adjustment and continuous monitoring – Submit notice.
11/30/07	End self-monitoring under this Administrative Order.
***	Self-monitoring reports are due on the 28th day of each month for the samples collected during the previous calendar month.

The enclosed Finding of Violation and Administrative 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. Sections 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)]. Any violation of the terms of this Administrative Order or pretreatment standards could subject Sanford Metal Processing to a civil action for appropriate relief pursuant to Section 309(b) of the Act [33 U.S.C. Section 1319(b)] and/or penalties under Section 309(d) of the Act [33 U.S.C. Section 1319(d)] of up to \$31,500 per day of violation. In addition, under Section 309(g) of the Act [33 U.S.C. Section 1319(g)], any violation of the pretreatment standards could also subject Sanford Metal Processing to an administrative penalty action of up to \$12,000 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. Section 1319(c)(1), (c)(2) and (c)(4)] also provide penalties for negligent violations, knowing violations and knowingly making false statements.

The request for information included in this Administrative Order is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. Sections 3502(4), 3502(11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons [44 U.S.C. Section 3502(4), 3502(11) and 5 CFR Section 1320.5(a)].

EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in 40 CFR Part 2, Subpart B and in the Federal Register at 41 F.R. 36902 (September 1, 1976) and 43 F.R. 40000 (September 8, 1978). A claim of business confidentiality may be asserted in the manner specified by 40 CFR Section 2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 CFR Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. Sanford Metal Processing may not withhold from EPA any information on the grounds that it is confidential.

If you have any questions regarding this matter, please contact Greg V. Arthur of my staff at (415) 972-3504 or at arthur.greg@epa.gov.

Sincerely,

*Original signed by:
Alexis Strauss*

Alexis Strauss
Director, Water Division

Enclosure

cc: Norman Domingo, SBSA
Michael Chee, RWQCB-Oakland

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	
)	
Sanford Metal Processing)	FINDING OF VIOLATION
Menlo Park, California)	
)	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-307-9-06-055
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-307-9-06-055) 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. Sections 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 Sanford Metal Processing in Menlo Park is in violation of Section 307(d) of the Act [33 U.S.C. Section 1317(d)]. This Finding is made on the basis of the following facts:

1. Section 307(d) of the Act [33 U.S.C. Section 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 and categorical pretreatment standards:
 - a. The Federal categorical pretreatment standards for metal finishing in 40 CFR 433

which require new source metal finishing operations that perform electroplating, electroless plating, anodizing, chemical coating, or chemical etching, to comply with the daily-maximum and monthly-average standards for cadmium, chromium, copper, lead, nickel, silver, zinc, total or amenable cyanide, and toxic organics, in 40 CFR 433.17;

- b. The national pretreatment requirements in 40 CFR 403.6(d) for categorical industrial dischargers into POTWs which prohibit any increase in the use of process water or any other attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with standards;
 - c. The national pretreatment standards in 40 CFR 403.12(e)(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 flow rate of the discharge.
3. Sanford Metal Processing is a company and therefore a person within the meaning of Section 502(5) of the Act, [33 U.S.C. Section 1362(5)]. Sanford Metal Processing owns and operates a job-shop metal finishing operation at 990 O'Brien Drive in Menlo Park, California. Sanford Metal Processing is a non-domestic source and introduces pollutants within the meaning of Section 502(6) of the Act [33 U.S.C. Section 1362(6)], into the City of Menlo Park domestic sewer system and South Bayside System Authority wastewater treatment plant, which together are a POTW within the meaning of Section 307(b) and the pretreatment regulations in 40 CFR 403.3(o). Sanford Metal Processing is therefore subject to the provisions of the Act, [33 U.S.C. Section 1251 et seq., including Section 307, 33 U.S.C. Section 1317].
 4. On April 4, 2006, EPA, and the South Bayside System Authority (“SBSA”) conducted a

compliance evaluation inspection of Sanford Metal Processing, and determined the following:

a. Facility Description: Sanford Metal Processing owns and operates a job-shop metal finishing facility in Menlo Park:

1. The metal finishing operations comprise aluminum anodizing and the general plating of brass, copper, steel, and stainless steel, as well as the associated operations of sand blast abrasion, dry-booth painting, and parts drying;
2. The aluminum anodizing line involves alkaline cleaning, nitric-acid desmut, alkaline caustic etch, sulfuric-acid Type II anodizing, sulfuric-acid Type III hard anodizing, dyeing, chromium conversion coating, and dichromate and nickel acetate sealing;
3. The steel/stainless/copper processing lines involve alkaline cleaning, hydrochloric-acid derust, cyanide-copper plating, cyanide-cadmium plating, electroless nickel plating, sulfamate-nickel strike, acid bright dipping, chromium conversion coating, zinc phosphating, nitric-acid passivation, nitric-acid cleaning, hydrochloric-acid activation, nickel strip, and cadmium strip;
4. The operations began in 1979, however, according to Sandoval, the owner of Sanford Metal Processing, all of the metal finishing lines were removed and re-built in sections in 1994 in order to install secondary containment liners underneath the entire metal finishing area;

b. Wastewater Discharges to the Sewer: Sanford Metal Processing discharges process-related wastewater into the domestic sewers feeding into the SBSA wastewater treatment plant for discharge into the San Francisco Bay:

1. The metal finishing lines generate metal finishing spents and rinses;

2. The process-related wastewaters from Sanford Metal Finishing discharge through a single sewer connection, designated in this Order by SBSA permit number as IWD-050215, under SBSA permit No. 05-0215;
 3. The process-related wastewaters that discharge through IWD-050215 consist of rinses, untreated through metals removal or cyanide destruction, and pH adjusted through the uncontrolled chemical dosing of caustic;
 4. Sandoval indicated that spent solutions and the first-stage static rinses for cadmium plating and chromium conversion coating are hauled off-site as hazardous and not discharged to the sewers;
 5. Sanford Metal Processing reports that the flow rates of untreated process-related wastewater discharges to the sewers average ~1,500 gpd;
 6. The discharges of process-related wastewater to the sewers are monitored at the final sampling sump which outlets to the sewer connection, designated in this Order and the September 21, 2006 EPA inspection report as sample point IWD-050215;
- c. Categorical Standards: The Federal categorical pretreatment standards in 40 CFR 433 for new source metal finishers apply to all of the process-related wastewater discharges at Sanford Metal Processing:
1. 40 CFR 433 Applicability: Because Sanford Metal Processing performs the core operations of electroplating, electroless plating, anodizing, chemical coating, and etching, and because the metal finishing lines were all removed and rebuilt in 1994 in order to install secondary containment, the Federal categorical pretreatment standards in 40 CFR 433 for new source metal finishing operations apply to all process wastewaters from Sanford Metal Processing to the sewers. The new source metal finishing standards apply to the new source metal finishing lines that perform the

core operations or any other on-site operation, such as cleaning, associated with metal finishing and specifically listed in 40 CFR 433.10(a);

2. Adjustments: The Federal categorical pretreatment standards in 40 CFR 433 must be adjusted in order to apply to the discharges from Sanford Metal Processing through IWD-050215 into the sewers:

- i. The Federal cyanide standards in 40 CFR 433 for the discharges from new source metal finishing lines, applied to IWD-050215, must be adjusted to account for dilution from non-cyanide bearing waste streams;
- ii. Domestic sewage discharges into the Menlo Park sewers downstream of the compliance sampling point;
- iii. The Federal standards applied to IWD-050215 do not need to be adjusted to account for dilution since all wastewaters discharging through this compliance sample point qualify as Federally-regulated;
- iv. The Federal standards applied to IWD-050215 do not need to be adjusted to account for regulation under multiple Federal categorical standards since all wastewaters discharging through this compliance sample point qualify as Federally regulated solely under 40 CFR 433.

5. Sanford Metal Processing violated Section 307(d) of the Act [33 U.S.C. Section 1317(d)] in that:

- a. The following Federal categorical pretreatment standards apply to the discharges from Sanford Metal Processing at IWD-050215:

Federal Categorical	@ IWD-050215
---------------------	--------------

Standards		d-max	mo-avg
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
CNa	amenable cyanide	0.24	0.09
TTO	toxic organics	2.13	-

- b. EPA reviewed the 2004-2006 SBSA sample record for Sanford Metal Processing at IWD-050215 and determined that Sanford Metal Processing violated Federal cadmium standards in 40 CFR 433 on at least the following 21 occasions:

Violations of Cadmium Effluent Limits 2004-2006 Sanford Metal Processing @ IWD-050215					
sample date	type	sampler	Fed standards	violation	days
Jan 2006	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.08	31
Oct 2005	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.15	31
10/10/05	24-hr	SBSA	Cd d-max 0.11 mg/l	0.15	-
Jun 2005	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.23	30
06/23/05	24-hr	SBSA	Cd d-max 0.11 mg/l	0.47	-
06/14/05	24-hr	SBSA	Cd d-max 0.11 mg/l	0.13	-
Apr 2005	24-hr	SBSA	Cd mo-avg 0.07 mg/l	1.80	30
04/11/05	24-hr	SBSA	Cd d-max 0.11 mg/l	1.80	-
Jan 2005	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.26	31
01/12/05	24-hr	SBSA	Cd d-max 0.11 mg/l	0.26	-
Oct 2004	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.089	31
Aug 2004	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.23	31
08/30/04	24-hr	SBSA	Cd d-max 0.11 mg/l	0.23	-
Jun 2004	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.20	30
06/24/04	24-hr	SBSA	Cd d-max 0.11 mg/l	0.18	-
06/21/04	24-hr	SBSA	Cd d-max 0.11 mg/l	0.30	-
May 2004	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.68	31
05/10/04	24-hr	SBSA	Cd d-max 0.11 mg/l	0.68	-
Feb 2004	24-hr	SBSA	Cd mo-avg 0.07 mg/l	0.62	29
02/17/04	24-hr	SBSA	Cd d-max 0.11 mg/l	0.62	-
Index Key					
mo-avg • Monthly-averages are calculated by averaging all samples in a calendar month, even if there is just one.					

- c. EPA reviewed the 2004-2006 SBSA sample record for Sanford Metal Processing

at IWD-050215 and determined that Sanford Metal Processing violated Federal amenable cyanide standards in 40 CFR 433 on at least the following 2 occasions:

Violations of Cyanide Effluent Limits 2004-2006 Sanford Metal Processing @ IWD-050215					
sample date	type	sampler	Fed standards	violation	days
Apr 2005	grab	SBSA	CNa mo-avg 0.09	0.245	30
04/11/05	grab	SBSA	CNa d-max 0.24 mg/l	0.245	-
<u>Index Key</u> mo-avg • Monthly-averages are calculated by averaging all samples in a calendar month, even if there is just one.					

- d. The 2004-2006 violations of the Federal standards for cadmium and amenable cyanide have resulted in 335 days of violation.
6. The September 21, 2006 EPA report of the inspection of Sanford Metal Processing is by reference made part of this Finding of Violation and Administrative Order.

ADMINISTRATIVE ORDER

Taking these Findings into consideration and considering 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. Section 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)], IT IS HEREBY ORDERED that Sanford Metal Processing comply with the following requirements:

Consistent Compliance with Federal Standards

1. By **NOVEMBER 28, 2006**, Sanford Metal Processing shall submit a short response to the findings in Sections 2 through 5 of the September 21, 2006 EPA inspection report.
2. By **NOVEMBER 28, 2006**, Sanford Metal Processing shall submit a preliminary engineering plan of the steps to be taken in order to achieve consistent compliance with the Federal standards for cadmium and amenable cyanide. This preliminary engineering plan shall include:
 - a. A detailed description of all plant, equipment, hardware, management plans and operating procedures to be used to achieve consistent compliance with the Federal standards for cadmium and amenable cyanide through the installation of a new treatment system;
 - b. A detailed description of all plant, equipment, hardware, management plans and operating procedures to be used to achieve consistent compliance with the Federal standards for cadmium and amenable cyanide through the elimination of all discharges of cadmium- and amenable cyanide-bearing wastewaters to the sewers;
 - c. A schedule of all corrective actions to be made in order to achieve consistent compliance with the Federal standards for cadmium and amenable cyanide, not to extend beyond the deadline specified in Item 3 of this Order.
3. By **MARCH 28, 2007**, Sanford Metal Processing shall complete the steps necessary to achieve consistent compliance with the Federal standards for cadmium and amenable

cyanide, and submit a notice of completion.

Final pH Adjustment

4. By **NOVEMBER 28, 2006**, Sanford Metal Processing shall submit a preliminary engineering plan of the steps to be taken in order to provide meter-controlled final pH adjustment of all process-related wastewater discharges to the sewers. This preliminary engineering plan shall include:
 - a. A detailed description of all plant, equipment, hardware, management plans and operating procedures to be used to provide meter-controlled final pH adjustment of all process-related wastewater discharges to the sewers;
 - b. A description of all equipment and operating procedures to be used to provide continuous pH monitoring of all process-related wastewater discharges to the sewers;
 - c. A schedule of all corrective actions to be made to provide pH adjustment and continuous pH monitoring of all process-related wastewater discharges to the sewers, not to extend beyond the deadline specified in Item 5 of this Order.
5. By **MARCH 28, 2007**, Sanford Metal Processing shall complete the steps necessary to provide meter-controlled pH adjustment and continuous monitoring for pH of all process-related wastewater discharges to the sewers, and submit a notice of completion.

Self-Monitoring

6. Sampling Schedule: For a year, from **DECEMBER 1, 2006 THROUGH NOVEMBER 30, 2007**, Sanford Metal Processing shall self-monitor the process-related wastewater discharges at the designated compliance sampling point, IWD-050215, or at any representative compliance point(s) established in the future with written SBSA or EPA approval, in accordance with the following schedule:

- a. **ONCE EVERY BUSINESS DAY**, Sanford Metal Processing shall self-monitor the process-related wastewater discharges to the sewers for pH;
 - b. **ONCE EVERY QUARTER** (before December 28, 2006, March 28, 2007, June 28, 2007, and September 28, 2007), Sanford Metal Processing shall self-monitor all process-related wastewater discharges to the sewers for cadmium, chromium, copper, lead, nickel, silver, zinc, amenable cyanide, and discharge flow rate;
 - c. **ONCE EVERY SIX MONTHS** (before December 28, 2006 and June 28, 2007), Sanford Metal Processing shall self-monitor the process-related wastewater discharges to the sewers for total toxic organics;
 - d. **CONTINUOUSLY BEGINNING APRIL 1, 2007**, Sanford Metal Processing shall self-monitor the process-related wastewater discharges for pH.
7. pH Self-Monitoring Summaries: **ONCE EACH MONTH**, Sanford Metal Processing shall prepare summaries of the pH self-monitoring required by Items 6(a) and 6(d) of this Order above, for the designated compliance sampling point, IWD-050215, as well as at any other compliance points established in the future with written SBSA or EPA approval, in accordance with the following schedule:
- a. **THROUGH MARCH 31, 2007**, Sanford Metal Processing shall summarize all pH measurements by date, time, and sampling location;
 - b. **BEGINNING APRIL 1, 2007**, Sanford Metal Processing shall summarize continuous pH meter strip charts by date and sampling location to reflect the following:
 1. The number of minutes each day in which the pH is below 2.0;
 2. The number of minutes each day in which the pH is below 5.0;
 3. The number of minutes each day in which the pH is below 6.0;
 4. The number of minutes each day in which the pH is above 9.5;
 5. The number of minutes each day in which the pH is above 12.5.

8. Sampling and Analysis: Sanford Metal Processing shall self-monitor and analyze using the sampling protocols listed below, and the EPA approved analytical methods (or equivalent) necessary to achieve the detection limits indicated below:

parameters and pollutants	sampling method protocols	detection limits
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
amenable cyanide	24-hour manual composite grabs	10 µg/l
total toxic organics	grab	10 µg/l
discharge flow rate (gpd)	water meter	-
pH (s.u.)	field grabs (continuous after 04/01/07)	0.1 s.u.

9. Self-Certifications: The toxic organics self-monitoring required by Item 6(c), above, may be replaced by self-certifications after approval, by EPA or SBSA, of toxic organics management plans as provided for in 40 CFR 433.12(a).

Submittals

10. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, Sanford Metal Processing shall submit all self-monitoring results for the previous month. The first monthly report is due on January 28, 2007 for the December 2006 self-monitoring. The 12th-and-last monthly report is due on December 28, 2007 for the November 2007 self-monitoring.
11. For each sample, Sanford Metal Processing shall record the following:
- a. The sample results;
 - b. The EPA analytical methods used;
 - c. The date, time, location of sampling, and sampling point (ie: IWD-050215);
 - e. The type of sample (ie. 24-hour composite, grab);
 - f. The name of the laboratory used; and

- g. Self-certifications in lieu of self-monitoring as allowed by Item 9 of this Order.
12. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Sanford Metal Processing and shall include the following self-certifying 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.

13. This Order is not and shall not be interpreted to be an NPDES permit under Section 402 of the Act [33 U.S.C. Section 1342], nor an SBSA or State of California sewer discharge permit under 40 CFR 403.8(f)(iii), nor shall it in any way relieve Sanford Metal Processing of obligations imposed by the Act, or any other Federal, State or local law, including the SBSA sewer use ordinances.

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

U.S. ENVIRONMENTAL PROTECTION AGENCY
75 Hawthorne Street
San Francisco, California 94105
Attn: Greg V. Arthur (WTR-7)

REGIONAL WATER QUALITY CONTROL BOARD

1515 Clay Street, Suite 1400

Oakland, California 94612

Attn: Michael Chee

SOUTH BAYSIDE SYSTEM AUTHORITY

1400 Radio Road

Redwood City, California 94065

Attn: Norman Domingo

15. This Order takes effect upon signature.

Original signed by:

Alexis Strauss

Alexis Strauss
Director, Water Division

September 28, 2006

Dated