

US EPA ARCHIVE DOCUMENT



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

Oct 20, 2011

Certified Mail 7008 1830 0002 6279 2263
RETURN RECEIPT REQUESTED

In Reply Refer To: CWA-309(a)-12-001

Mr. Sam Wool
Coast Creative Nameplates,
Division of Coast Engraving Companies, Inc.
1097 North Fifth Street
San Jose, California 95112

Dear Mr. Wool:

The enclosed Finding of Violation and Order addresses Coast Engraving Companies, Inc.'s ("Coast Engraving's") violations of national pretreatment standards at the Coast Creative Nameplates facility in San Jose, California. These standards, including the federal categorical standard for metal finishers, apply to the facility's wastewater discharges into the City of San Jose's sewer system and the San Jose/Santa Clara Water Pollution Control Plant.

The Administrative Order ("Order"), which is a part of the enclosed document, requires Coast Engraving to have an effective treatment system in place to achieve consistent compliance with the federal categorical metal finishing pretreatment standards. The Order also requires self-monitoring for one year. Once Coast Engraving completes installation and startup of its proposed system, the continuation of self-monitoring will provide a means for Coast Engraving to demonstrate consistent compliance.

EPA is aware that Coast Engraving is currently under a compliance agreement with the City of San Jose. This Order does not relieve Coast Engraving of its duty to comply with the requirements and deadlines established by the City of San Jose. Coast Engraving is subject to the requirements of both the compliance agreement and the enclosed Order.

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

Item No. in the Order	Requirement	Deadline Date
1	Submit the required information.	11/30/11
2,3	Submit preliminary engineering plan for providing effective treatment for metals and cyanide. Submit a preliminary cost estimate.	1/31/12

4	Submit notice of construction.	Upon commencement of construction
5	Complete installation and startup of the proposed system. Submit notice of completion.	4/30/12
6-10	Begin one year of self-monitoring under this Order.	11/1/11
6-10	End self-monitoring under this Order.	10/31/12

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 Coast Engraving 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 Coast Engraving 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, please contact Anna Yen of my staff at (415) 972-3976 or at yen.anna@epa.gov.

Sincerely,

<Original
signed by>

Alexis Strauss
Director, Water Division

Enclosure

cc: Rene Eyerly, City of San Jose, Environmental Services Department
Michael Chee, San Francisco Bay Regional Water Quality Control Board

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	
)	
Coast Engraving Companies, Inc.)	FINDING OF VIOLATION
San Jose, 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-309(a)-12-001
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)-12-001) 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 Coast Engraving Companies, Inc. (“Coast Engraving”) in San Jose, California, 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 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;
 - b. The national pretreatment standards in 40 CFR 403.12(b) for all industrial dischargers into POTWs which require categorical industrial users to submit, at least 90 days prior to commencement of discharge, a baseline monitoring report containing the information listed in 40 CFR 403.12(b)(1) through (5).
 - 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. Coast Engraving is a corporation and, therefore, a person within the meaning of Section 502(5) of the Act [33 U.S.C. § 1362(5)]. Coast Engraving is a non-domestic wastewater source in San Jose, California. Coast Engraving introduces pollutants within the meaning of Section 502(6) of the Act [33 U.S.C. § 1362(6)] into the City of San Jose's domestic sewer system and the San Jose/Santa Clara Water Pollution Control 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). Coast Engraving 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 August 19, 2011, an EPA inspector, accompanied by a City of San Jose inspector, conducted an industrial user inspection of Coast Engraving:
 - a. Facility Description: Coast Engraving owns and operates an engraving and label production facility at 1097 North Fifth Street in San Jose, California. The facility is also called Coast Creative Nameplates, which is a division of Coast Engraving Companies, Inc.
 - i. The facility generates, for discharge to the sewers, wastewater from the chemical etching process, from the developer used for the photoengraving process, and from industrial sinks.
 - ii. Operations began at this facility in the late 1970s;
 - iii. Coast Engraving is a job shop because it does not own more than 50% of the materials undergoing metal finishing.
 - iv. The City of San Jose issued an industrial wastewater discharge permit (Permit No. SJ-612B) to Coast Engraving on May 24, 2010, authorizing

the discharge of treated wastewaters through one connection to the sewer system.

b. Wastewater Discharges to the Sewer: Coast Engraving discharges process-related wastewaters into the City of San Jose's domestic sewer system which feeds into the San Jose/Santa Clara Water Pollution Control Plant for discharge into South San Francisco Bay:

- i. Spent solution wastewater from the chemical etching process is pumped to a stainless steel holding tank, the contents of which are pumped to an onsite wastewater treatment system.
- ii. Developer solution and wash waters from magnesium photoengraving, as well as wash waters from sinks and floor mopping, are transferred to the onsite wastewater treatment system.
- iii. The onsite wastewater treatment system consists of pH adjustment, precipitation, flocculation, solids removal by filter press, and clarification. The pH adjustment, precipitation, and flocculation all occur in one tank. Clarification is likely occurring in the tank, but the wastewater is pumped out of the tank through a filter press for solids removal. The filtrate is sent to a large holding tank (approximately 1200 to 1400 gallons) where possible further clarification may occur.
- iv. The wastewater exits the final tank of the treatment system into a sample box in an adjacent room, close to the west end of the building. This compliance sample point is described in Coast Engraving's industrial

wastewater discharge permit and is hereinafter referred to as the final compliance sample point.

- v. Coast Engraving discharges in batches, approximately 400 gallons per batch on a weekly basis.
 - vi. The City of San Jose requires Coast Engraving to maintain a log book of all batch discharges, recording at minimum the date of discharge, the volume of the discharge, and pH of the batch prior to discharge.
 - vii. Once released from the large holding tank, batch discharges flow through the sample box to the local sewer system.
- c. 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 Coast Engraving.
- i. 40 CFR 433 Applicability: Because Coast Engraving performs one of the core metal finishing operations – chemical etching, Coast Engraving 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, as specifically listed in 40 CFR 433.10(a);
 - ii. Federal Standards as Applied to Coast Engraving: The federal categorical pretreatment standards in the following table apply to the discharges from Coast Engraving at the final compliance sampling point:

Pollutants		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
	Or		
CN (A)	Amenable cyanide	0.86	0.32
TTO	Total toxic organics	2.13	--

5. Coast Engraving has not complied with Section 307(d) of the Act and with the monitoring and reporting requirements of 40 CFR 433 and of 40 CFR 403.
 - a. The federal regulation 40 CFR 403 requires Coast Engraving to submit a baseline monitoring report and a 90-day compliance report for New Sources subject to a federal categorical standard. Coast Engraving was late in its submittal of a baseline monitoring report.
 - b. Upon review of the City of San Jose’s compliance monitoring data record for Coast Engraving, for samples taken at the final compliance sample point from October 2009 through July 2011, EPA determined that Coast Engraving violated

federal standards in 40 CFR 433 on at least four occasions and local limits on at least three occasions, as summarized below:

Date	Pollutant	Measured Value (mg/L)	Federal 40 CFR 433 Limits which the Measured Value Exceeds		No. Days in Violation
			Daily (mg/L)	Monthly (mg/L)	
Jan 20, 2011	Zn	6.5	2.77		1
Jan 2011	Zn	6.5		1.71	31
Jul 6, 2011	Zn	8.68	2.77		1
Jul 2011	Zn	4.99		1.71	31

Date	Pollutant	Measured Value (mg/L)	City of San Jose Local Limit which the Measured Value Exceeds	No. Days in Violation
			At any time max. (mg/L)	
Oct 11, 2010	CN	0.69	0.5	1
Jan 20, 2011	Zn	6.5	2.6	1
Jul 6, 2011	Zn	8.68	2.6	1

- c. The federal regulation 40 CFR 403 requires Coast Engraving to have all analyses performed in accordance with procedures contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the Administrator. By using solid waste test methods to analyze wastewater for TTO levels, Coast Engraving's October 5 and October 11, 2010 samples were analyzed

using incorrect test procedures. The results below are, therefore, invalid, and Coast Engraving violated the federal requirement in 40 CFR 403 on two occasions:

Date	Pollutant	Measured Value (mg/L)	Federal 40 CFR 433 Limit which the Measured Value Exceeds Daily (mg/L)
Oct 5, 2010	TTO	2.448	2.13
Oct 11, 2010	TTO	4.12	2.13

- d. The federal regulation 40 CFR 403 requires Coast Engraving to submit periodic reports on continued compliance to the Control Authority during the months of June and December, unless required more frequently. For the time period reviewed of October 2009 through July 2011, Coast Engraving was late in its submittal of self-monitoring reports to the City of San Jose on two occasions.
6. EPA's October 17, 2011 report on its August 19, 2011 inspection of Coast Engraving 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 Coast Engraving comply with the following requirements:

Information Requirements

1. By **NOVEMBER 30, 2011**, Coast Engraving shall submit the following information:
 - a. A short response to each of the findings in Section 3.0 of EPA's October 17, 2011 inspection report.
 - b. Updated floor plans – engineering drawings showing the floor plan layout of the facility, with each room delineated and the locations of equipment and processes in each room. Include locations of sinks, toilets, and floor drains, and indicate destination of wastewater from each.
 - c. Self-monitoring data showing compliance or non-compliance with numeric limits in the wastewater discharge permit for the period October 2009 through September 30, 2011. Submit copies of self-monitoring reports that Coast Engraving submitted to the City of San Jose and supporting lab documentation of the analytical results.

Treatment for Metals and Cyanide

2. By **JANUARY 31, 2012**, Coast Engraving shall submit a preliminary engineering plan of the steps to be taken to provide effective treatment for metals and cyanide such that Coast Engraving consistently complies with applicable pollutant limits in 40 CFR 433.
 - a. The preliminary engineering plan shall include the design of a proposed system that will be installed and operated to achieve consistent compliance with applicable Pretreatment Standards including federal categorical pretreatment standards:
 - i. The proposed system means the entire treatment system, including existing, modified, and new components, that Coast Engraving will use to achieve consistent compliance with the federal categorical pretreatment standards. 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 any chemicals to be added;
 - (b.) A schematic of the proposed system, with all components labeled.
 - b. The preliminary engineering plan shall also include a schedule of construction which results in completion of installation and startup of the proposed system no later than April 30, 2012.
3. Concurrent with the submittal of the preliminary engineering plan of Item 2 of this Order, Coast Engraving shall submit a preliminary cost estimate of the steps that will be taken to

provide effective treatment for metals and cyanide, as addressed in Item 2 of this Order.

The cost estimate shall include major line items and shall provide enough details to identify costs for each of the following (if applicable): (i.) new treatment system components, and (ii.) modifications to the existing treatment system. In addition, the cost estimate shall break costs down into capital costs, installation costs, and operation and maintenance (O&M) costs. O&M costs shall include costs of labor, power, water, raw materials and supplies, and recurring training of employees.

4. Coast Engraving shall submit a notice of construction upon commencement of construction of the proposed system.
5. By **APRIL 30, 2012**, Coast Engraving shall complete installation and startup of the proposed system to consistently comply with applicable metal finishing pretreatment standards, as required by Item 2 of this Order, and Coast Engraving shall submit a notice of completion.

Self-Monitoring Requirements

6. From **NOVEMBER 1, 2011 THROUGH OCTOBER 31, 2012**, Coast Engraving shall self-monitor the process-related wastewater discharges at the final compliance sampling point.
 - a. **ONCE EVERY MONTH**, Coast Engraving shall self-monitor the process-related wastewater discharges to the sewers for discharge flowrate, cadmium, chromium, copper, lead, nickel, silver, zinc, total cyanide, and pH;
 - b. **ONCE EVERY QUARTER**, Coast Engraving shall self-monitor the process-related wastewater discharges to the sewers for total toxic organics;

- c. **ONCE EVERY SIX MONTHS**, Coast Engraving shall self-monitor the process-related wastewater discharges to the sewers for oil and grease;
- d. The sampling required by Items 6a, 6b, and 6c of this Order must account for and be representative of the contributions from each of the following discharged wastewaters over the applicable reporting period:
- Spent etching machine baths
 - Sink drainage from screen washing
 - Photoengraving chemical and wash waters
 - Mop wash waters

7. Coast Engraving 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	Grab*	10 µg/l
Chromium	Grab*	10 µg/l
Copper	Grab*	10 µg/l
Lead	Grab*	10 µg/l
Nickel	Grab*	10 µg/l
Silver	Grab*	10 µg/l
Zinc	Grab*	10 µg/l
Cyanide – total	Grab*	10 µg/l
Total toxic organics	Grab	10 µg/l
Oil and grease – petroleum	Grab	1 mg/l
Discharge flowrate	Unspecified	--

* This sampling protocol is based on the assumption that Coast Engraving continues to batch discharge as it currently does.

- a. The first grab sample shall be taken during the first 30 seconds of the batch discharge.
The second grab sample shall be taken at any later time during the same batch discharge.
 - b. Each of the two grab samples shall be analyzed separately for all required pollutants and parameters.
 - c. EPA shall review the results and determine whether Coast Engraving shall continue to take two grab samples for each required self-monitoring report for subsequent months.
8. The total toxic organics self-monitoring required by Item 6b 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

9. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, Coast Engraving shall submit all self-monitoring results for the previous month and previous self-monitoring period, as applicable. The first monthly report is due on December 28, 2011 for the November 2011 self-monitoring. The 12th-and-last monthly report is due on November 28, 2012 for the October 2012 self-monitoring. Similarly, the first quarterly report is due on February 28, 2012 for the first quarter of self-monitoring. And the first six-month report is due on May 28, 2012 for the first six-month period of self-monitoring.
10. For each sample, Coast Engraving 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., grab);
 - e. a listing of the discharged wastewaters, including those listed in Item 6d, 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 8 of this Order.
11. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Coast Engraving 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.

12. 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)

CITY OF SAN JOSE
Environmental Services Department
Watershed Protection Division, Source Control Section
200 East Santa Clara Street, 7th Floor
San Jose, California 95113
Attn: Senior Environmental Inspector

SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD
1515 Clay Street
Suite 1400
Oakland, California 94612
Attn: Michael Chee

General Provisions

13. This Order shall be binding upon Coast Engraving and its officers, directors, agents, employees, contractors, heirs, successors, and assigns.
14. 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 San Jose or Regional Water Quality Control Board 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 Coast Engraving's obligation to comply with the Act or its regulations, as well as any other Federal, State or local law.
15. This order is not deemed an election by EPA to forgo any remedies available to it under the law, including without limitation, any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act. EPA reserves all rights and remedies, legal and equitable, available to enforce any violations cited in this Order and to enforce this Order.
16. Requests for information contained with this Order are not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not “collection of information” within the meaning of 44 U.S.C. § 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. § 3518(c)(1) and 5 CFR 1320.4(a)(2).

17. Respondent may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 CFR Part 2, Subpart B, regulations to protect confidential business information it receives. If legally supportable, a claim of business confidentiality may be asserted in the manner specified by 40 CFR 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized under 40 CFR Part 2, Subpart B. If no claim of business confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
18. Section 309(a), (b), (d), and (g) of the Act, 33 U.S.C. § 1319(a), (b), (d), and (g), provides administrative and/or judicial relief for failure to comply with the CWA. In addition, Section 309(c) of the Act, 33 U.S.C. § 1319(c), provides criminal sanctions for negligent or knowing violations of the CWA and for knowingly making false statements.
19. This Order takes effect upon the date of receipt by Coast Engraving.

20 October 2011

Date

<Original signed by>

Alexis Strauss
Director, Water Division