



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

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RETURN RECEIPT REQUESTED

September 29, 2011

In Reply Refer To: CWA-309(a)-11-033

Richard Cressey, Vice President
Weatherby, Inc.
1605 Commerce Way
Paso Robles, California 93446

Dear Mr. Cressey:

This Administrative Order, issued under the authority of the Clean Water Act, establishes the requirements for the discharge of process-related wastewaters from Weatherby into the Paso Robles sewers. This Order requires Weatherby to self-monitor and report the results for one year starting in 2012. Three preliminary tasks to be done before the start of the year should allow Weatherby to decide how to achieve consistent compliance either through continued discharge or through off-site disposal. The key dates are as follows:

KEY DATES	ADMINISTRATIVE ORDER CWA-309(a)-11-033
12/30/11	1. Submit response to the September 20, 2011 EPA inspection report.
12/30/11	2. Submit a baseline monitoring report as required by 40 CFR 403.12(b).
12/30/11	3. Identify and establish a representative sampling point.
01/01/12	4-6. Begin one year of self-monitoring under this Order. Monthly for pH, discharge flow rate, and salinity. Twice per year for metals, cyanide, total toxic organics, and oil & grease.
12/31/12	End self-monitoring under this 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). Section 309(a), (b), (d), and (g) of the Act, 33 U.S.C. Section 1319(a), (b), (d), and (g), provides administrative and/or civil judicial relief for failure to comply with the Act. In addition, Section 309(c) of the Act, 33 U.S.C. Section 1319(c), provides criminal sanctions for negligent or knowing violations of the Act, and for knowingly making false statements.

The request for information in the Administrative Order is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. Sections 3502(3) and 5 CFR § 1320.5(c) because it is directed to fewer than ten persons. Furthermore, it is exempt from OMB

review under the Paperwork Reduction Act because it is an administrative action against a specific entity [44 U.S.C. § 3518(c)(1)(B) and 5 CFR § 1320.4(a)(2)].

EPA has promulgated regulations to protect the confidentiality of the business information it receives at 40 CFR Part 2, Subpart B. A claim of business confidentiality may be asserted in the manner specified by 40 CFR Section 2.203(b) for all or part 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. Weatherby may not withhold from EPA any information on the grounds that it is confidential business information.

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
Director, Water Division

Enclosure

cc: Patti Gwathmey Industrial Waste Manager, City of Paso Robles
Sorrel Marks, Central Coast RWQCB

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	
)	
Weatherby, Inc.)	FINDING OF VIOLATION
Paso Robles, 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)-11-033
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 Administrative Order (Docket No. CWA-309(a)-11-033) 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 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 Weatherby, Inc., in Paso Robles, California 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:
 - a. The national pretreatment standards in 40 CFR 403.12(b) for significant industrial users subject to categorical pretreatment standards, which require the submittal of a baseline monitoring report at least 90 days prior to commencement of discharge;
 - b. The national pretreatment standards in 40 CFR 403.12(g)(h) for significant industrial users subject to categorical pretreatment standards, which require periodic self-monitoring to be conducted at least twice per year;

- c. The definition in 40 CFR 403.3(v) of the term, Significant Industrial User, which in part means an industrial user that is subject to categorical pretreatment standards but does not qualify as a non-significant categorical industrial user;
 - d. The definition in 40 CFR 403.3(v) of the term, Non-significant Categorical Industrial User, which means a Significant Industrial User subject to categorical pretreatment standards that never discharges over 100 gallons per day, and has obtained a determination from the permitting authority that it poses no reasonable potential to adversely affect the operation of the publicly owned treatment work (“POTW”) or to violate any Pretreatment Standards or requirement.
3. Weatherby is a corporation and therefore a person within the meaning of Section 502(5) of the Act, [33 U.S.C. § 1362(5)]. Weatherby is a non-domestic wastewater source in Paso Robles, California. Weatherby introduces pollutants within the meaning of Section 502(6) of the Act [33 U.S.C. § 1362(6)], into the domestic sewer system that feeds into the Paso Robles Wastewater Treatment Plant, which is a POTW within the meaning of Section 307(b) and the pretreatment regulations in 40 CFR 304.3(o). Weatherby is therefore subject to the provision of the Act, [33 U.S.C. § 1251 et seq., including Section 307, 33 U.S.C. § 1317].
4. On August 10, 2011, an EPA inspector and a representative of the City of Paso Robles conducted a compliance evaluation inspection of Weatherby:
- a. Facility Description: Weatherby owns and operates a rifle manufacturing plant at 1605 Commerce Way in Paso Robles, California:
 - i. The operations involve the assembly of parts fabricated off-site, metal finishing, and testing. The metal finishing steps involve alkaline cleaning, hydrochloric-acid activation, hot black oxide coating, and oil coating;
 - ii. Weatherby qualifies as a new source metal finisher subject to the Federal metal finishing standards in 40 CFR 433 because the operations began in 2006 after promulgation of the rule, and involve the core metal finishing operations of chemical coating (black oxide), and etching (acid activation).
 - b. Wastewater Discharges to the Sewer: One main non-domestic sewer connection receives spents and rinses from the black oxide benches as the only sources:
 - i. On the date of this inspection, Paso Robles had not issued a permit authorizing non-domestic discharges from Weatherby to the sewers;
 - ii. Weatherby discharges very small volumes of salty and highly alkaline non-domestic wastewater without treatment, estimated to be less than 100 gallons per day, into the sewers through an as-of-yet unidentified compliance sampling point, designated in this Order as IWD-1605.01;

- c. **Pretreatment Standards:** The following Federal standards, national prohibitions, and local limits apply to the discharges to the sewers at IWD-1605.01:

Pollutants of Concern	Fed stds (d-max)	Fed stds (mo-avg)	nat'l pro (instant)	local lim (inst/dmax)
cadmium (mg/l)	0.11	0.07	-	0.10
chromium (mg/l)	2.77	1.71	-	3.70
cobalt (mg/l)	-	-	-	0.075
copper (mg/)	3.38	2.07	-	0.30
lead (mg/l)	0.69	0.43	-	-
molybdenum (mg/l)	-	-	-	1.10
nickel (mg/l)	3.98	2.38	-	1.90
selenium (mg/l)	-	-	-	0.27
silver (mg/l)	0.43	0.24	-	-
zinc (mg/l)	2.61	1.48	-	4.00
total cyanide (mg/l)	1.20	0.65	-	0.01
total toxic organics (mg/l)	-	2.13	-	-
ammonia (mg/l)	-	-	-	20.0
boron (mg/l)	-	-	-	5.0
oil and grease (mg/)	-	-	-	100
sulfate (mg/l)	-	-	-	200
total suspended solids (mg/l)	-	-	-	360
total dissolved solids (mg/l)	-	-	-	1000
sodium (mg/l)	-	-	-	200
chloride (mg/l)	-	-	-	150
biochem oxygen demand (mg/l)	-	-	-	360
temperature (°F)	-	-	-	150°F
pH (s.u.)	-	-	<5.0	6.0-9.0
explosivity	-	-	<140°F ④	<140°F ④

5. **Self-Monitoring** – Weatherby violated Section 307(d) of the Act [33 U.S.C. § 1317(d)] in that:
- a. EPA reviewed the Paso Robles documentation and sample record for Weatherby and determined that a baseline monitoring report was not submitted before the start-up of operations in 2006;
 - b. EPA reviewed the Paso Robles documentation and sample record for Weatherby and determined that periodic self-monitoring reports were not submitted at least twice per year since the start-up of operations in 2006.
6. The September 20, 2011 report of the August 10, 2011 inspection of Weatherby 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 Weatherby comply with the following requirements:

Response to Findings

1. By **DECEMBER 30, 2011**, Weatherby shall submit short responses to the findings in Sections 2.0, 3.0, 3.2, 3.5, 4.0 and 5.0 of the September 20, 2011 EPA inspection report.
2. By **DECEMBER 30, 2011**, Weatherby shall submit a baseline monitoring report as required by 40 CFR 403.12(b), consisting of the following:
 - a. Identifying information;
 - b. A list of all environmental control permits held by the facility;
 - c. A description of operations that includes SIC code, and a schematic process diagram that indicates the point of discharge to the sewer;
 - d. The average and maximum daily flow rates discharged to each sewer connection;
 - e. Baseline self-monitoring result from at least four samples representative of the discharge to the sewers, covering all of the regulated pollutants, as listed in Item 4(c) on page 3 of this Finding of Violation and Administrative Order.

Self-Monitoring Requirements

3. By **DECEMBER 30, 2011**, Weatherby shall identify a single sample point that is representative of all discharges from the facility to the sewers, and install any necessary monitoring ports, sample boxes, taps, draw-off sumps, or any other equipment necessary to collect both grab and 24-hour composite samples.
4. From **JANUARY 1, 2012** through **DECEMBER 31, 2012**, Weatherby shall self-monitor wastewater discharges to the sewers in accordance with the following schedule:

At the compliance sampling point established as required in Item 3 of this Administrative Order, and designated in this Order as IWD-1605.01:

- a. **ONCE EVERY MONTH**, Weatherby shall self-monitor for pH, discharge flow rate, total dissolved solids (“TDS”), sodium, chloride, and sulfates;
- b. **ONCE EVERY SIX MONTHS**, Weatherby shall self-monitor for cadmium, chromium, copper, lead, molybdenum, nickel, silver, zinc, total cyanide, total toxic organics, ammonia, and oil and grease.

5. The sewer sampling of the discharges required in item 4 of this Order shall be representative of the overall discharge to the Paso Robles sewers at the compliance sampling point established as required in Item 3 of this Order, and designated in this Order as IWD-1605.01.
6. Weatherby shall self-monitor and analyze using the sampling protocols and EPA approved analytical methods (or equivalent) to achieve the listed detection limits indicated below:

Parameters	Sampling Protocols	Req'd Detect Limits
flow rate	calibrated flow meter or meter reading	-
pH	calibrated meter	0.1 s.u.
total dissolved solids	24-hour flow-weighted composite	1 mg/l
sodium	24-hour flow-weighted composite	1 mg/l
chloride	24-hour flow-weighted composite	1 mg/l
sulfates	24-hour flow-weighted composite	1 mg/l
cadmium	24-hour flow-weighted composite	10 µg/l
chromium	24-hour flow-weighted composite	10 µg/l
copper	24-hour flow-weighted composite	10 µg/l
lead	24-hour flow-weighted composite	10 µg/l
nickel	24-hour flow-weighted composite	10 µg/l
silver	24-hour flow-weighted composite	10 µg/l
zinc	24-hour flow-weighted composite	10 µg/l
total cyanide	grab	10 µg/l
total tox organics	grab or TOMP self-certification	10 µg/l
oil and grease	grab	1 mg/l

Submissions

7. By the **TWENTY-EIGHTH (28th) DAY OF EACH MONTH**, Weatherby shall submit all self-monitoring results collected during the previous month. The first monthly report is due on February 28, 2012 for the January 2012 self-monitoring. The 12th-and-last monthly report is due on January 28, 2013 for the December 2012 self-monitoring.
8. For each sample, Weatherby shall record the following:
 - a. The sample results;
 - b. Type of sample (ie. 24-hour composite, grab, or continuous);
 - c. The name of the laboratory used;
 - d. The EPA analytical methods used;
 - e. The date, time, location of sampling, and sampling point (ie: IWD-1605.01);
9. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Weatherby 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.

10. All submissions 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
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401-7906
Attn: Sorrel Marks

CITY OF PASO ROBLES
3200 Sulphur Springs Road
Paso Robles, California 93446
Attn: Patti Gwathmey

11. This Administrative 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 local industrial user permit under 40 CFR Part 403.8(f)(iii). In addition, this Order shall not in any way extinguish, waive, satisfy, or otherwise affect Weatherby's obligation to comply with the Act or its regulations, as well as any other Federal, State or local law, including the sewer use ordinance for the City of Paso Robles.
12. This Order takes effect upon signature.

Original signed by:

Alexis Strauss
Director, Water Division

September 29, 2011

Dated