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April 22, 2019

BY ELECTRONIC MAIL AND CERTIFIED MAIL

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

**Re: Wyman-Gordon Answer to Administrative Complaint and Request for Hearing
(Docket No. CWA-06-2019-1711)**

My firm represents Wyman-Gordon Forgings, Inc. ("Wyman-Gordon") regarding the U.S. Environmental Protection Agency's ("EPA") Administrative Complaint, Docket No. CWA-06-2019-1711 ("Complaint"), which EPA issued on March 20, 2019, and which Wyman-Gordon received on March 22, 2019. Wyman-Gordon's Answer to Complaint and Request for a Hearing ("Answer") is enclosed. Pursuant to 22 C.F.R. § 22.5(b)(2), Wyman-Gordon obtained EPA's written consent to submit this Answer by electronic mail. My firm is authorized to receive service related to the proceeding on behalf of Wyman Gordon. Please note that Wyman-Gordon requests an informal settlement conference with EPA to discuss the Complaint before EPA schedules a formal hearing.

Very truly yours,

A handwritten signature in blue ink, appearing to read "L. Kerr", is written over a horizontal line.

Laura Kerr

Enclosure
cc (w/encl.):

Efren Ordóñez (U.S. EPA, Region 6) (via Electronic Mail and Certified Mail)
Kelly Keel Linden (TCEQ Area Director, Region 12) (via Certified Mail)
Michael O'Brien (Wyman-Gordon) (via Electronic Mail)
Peter Serrurier (Wyman-Gordon) (via Electronic Mail)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2019 APR 22 PM 2:29
REGIONAL HEARINGS CLERK
EPA REGION VI

IN THE MATTER OF:

Wyman-Gordon Forgings, Inc.
10825 Telge Road
Houston, TX 77095

(Facility Number: TX004212)

Respondent.

Docket No. CWA-06-2019-1711

**ANSWER TO ADMINISTRATIVE
COMPLAINT AND REQUEST FOR
HEARING**

Respondent Wyman-Gordon Forgings, Inc. (“Wyman-Gordon”), by and through its undersigned counsel, hereby answers the U.S. Environmental Protection Agency’s (“EPA”) civil administrative complaint filed on March 20, 2019 (“Complaint”), which Wyman-Gordon received on March 22, 2019, as follows:

I. STATUTORY AUTHORITY

The allegations contained in this paragraph do not call for a response. To the extent the allegations do call for a response, Wyman-Gordon states that the allegations are conclusions of law to which no response is required, and to the extent that such allegations require a response, Wyman-Gordon lacks knowledge or information sufficient to form a belief as to the truthfulness or accuracy of the allegations, and therefore denies the same at this time.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Wyman-Gordon admits it is a corporation with the clarification that the corporate entity is Wyman Gordon Forgings, Inc. and the corporation is incorporated under the laws of the State of Delaware. The rest of the allegations contained in this paragraph are conclusions of law

to which no responses are required, and to the extent that such allegations require responses, such allegations are denied.

2. Wyman-Gordon admits that at all times relevant to this action, it owned and operated the Wyman-Gordon Forgings Inc. facility, a forged and extruded metal manufacturing plant, located at 10825 Telge Road on the southwest corner of the intersection of U.S. Highway 290 and Telge Road, south of the Town of Cypress, Harris County, Texas ("Facility"). The rest of the allegations contained in this paragraph are conclusions of law to which no responses are required, and to the extent that such allegations require responses, such allegations are denied.

3. The allegations contained in this paragraph are conclusions of law to which no responses are required, and to the extent that such allegations require responses, such allegations are denied.

4. The allegations contained in this paragraph are conclusions of law to which no responses are required, and to the extent that such allegations require responses, such allegations are denied.

5. Section 301 of the Act, 33 U.S.C. § 1311 speaks for itself.

6. Section 402(a) of the Act, 33 U.S.C. § 1342(a) speaks for itself.

7. Section 402 of the Act, 33 U.S.C. § 1342 speaks for itself. The rest of the allegations in this paragraph are conclusions of law to which no response is required, and to the extent that such allegations require a response, Wyman-Gordon lacks knowledge or information sufficient to form a belief as to the truthfulness or accuracy of the allegations, and therefore denies the same at this time.

8. Wyman-Gordon admits it applied for, and was issued, TPDES Permit No. TX0042129 ("Permit") under Section 402 of the Act, 33 U.S.C. § 1342 and Chapter 26 of the Texas Water Code, which became effective on August 30, 2007, and was renewed on July 18, 2014. Wyman-Gordon further admits that at all relevant times, it was authorized to discharge

pollutants from the facility to waters of the United States in compliance with the specific terms and conditions of the permit.

9. Wyman-Gordon admits the allegations contained in this paragraph.

10. Wyman-Gordon admits the allegations contained in this paragraph.

11. Wyman-Gordon admits that on June 27, 2017 and June 28, 2017, EPA conducted an inspection of the Facility's wastewater treatment system. Wyman-Gordon further admits that it became aware upon receipt of an Administrative Order by EPA on April 11, 2018 ("Administrative Order") that EPA had concluded that certain violations of the Permit were identified during a review of the inspection report. Wyman-Gordon notes that the company initiated a comprehensive environmental compliance audit on May 16, 2017 (prior to EPA's inspection), pursuant to the Texas Environmental, Health, and Safety Audit Privilege Act ("Audit"), and has since been diligently correcting issues with the Facility's wastewater treatment system identified during the Audit.

12. Wyman-Gordon admits the allegations contained in this paragraph.

13. Wyman-Gordon admits that it did not continuously monitor and record effluent flow from Outfall 002 from July 18, 2014 to January 19, 2018. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

14. Wyman-Gordon admits the Permit's "Effluent Limitations and Monitoring Requirements" paragraph one (1) for Outfall 001 requires Wyman-Gordon to take samples once per week for Total Suspended Solids ("TSS"), Chemical Oxygen Demand ("COD") and Oil & Grease. Wyman-Gordon denies the Permit's "Effluent Limitations and Monitoring Requirements" paragraph one (1) for Outfall 001 requires Wyman-Gordon to take samples once per week for Ammonia, Carbonaceous Biochemical Oxygen Demand ("CBOD")(5-day) and Dissolved Oxygen.

15. Wyman-Gordon admits that it did not take weekly samples for TSS, COD and Oil & Grease at Outfall 001 from July 18, 2014 to September 4, 2017. Wyman-Gordon denies that it

violated the Permit by not taking weekly samples for Ammonia, CBOD (5-day) and Dissolved Oxygen at Outfall 001. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

16. Wyman-Gordon admits the allegations contained in this paragraph.

17. Wyman-Gordon admits it did not take two weekly samples for TSS, CBOD (5-day), Ammonia, COD, Dissolved Oxygen and Oil & Grease at Outfall 002 from March 17, 2015 to September 4, 2017. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

18. Wyman-Gordon admits the allegations contained in this paragraph.

19. Wyman-Gordon admits it did not take samples once every six months for Chromium, Copper, Lead, Manganese, Nickel, and Zinc at Outfall 001 and Outfall 002 from January 1, 2015 to September 4, 2017. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

20. Wyman-Gordon admits the allegations contained in this paragraph.

21. Wyman-Gordon admits it reported the Daily Average and Daily Maximum of COD, TSS, Oil & Grease, Ammonia, and CBOD (5-day) at Outfall 0002 in pounds per day from August 2014 to September 2017. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

22. Wyman-Gordon admits the allegations contained in this paragraph.

23. Wyman-Gordon admits that it did not collect composite samples for TSS, Ammonia, CBOD (5-day), COD, and Whole Effluent Toxicity ("WET") at Outfall 002 from August 2014 to September 2017. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

24. Wyman-Gordon admits the allegations contained in this paragraph.

25. Wyman-Gordon admits it did not use the authorized test procedure for Hexavalent Chromium from August 2014 to September 2017. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

26. Wyman-Gordon admits it did not use the authorized test procedure for CBOD (5-day) from August 2014 to September 2017. The other allegations contained in this paragraph are conclusions of law to which no responses are required.

27. Wyman-Gordon admits it was issued an Administrative Order by the EPA on April 11, 2018 with the clarification that the docket number of the Administrative Order received by Wyman-Gordon was CWA-06-2018-1739. On April 24, 2018, Wyman-Gordon submitted a response to the Administrative Order ("Response"). As explained in the Response, Wyman-Gordon initiated an Audit on its own accord before EPA's inspection. Prior to receiving EPA's Administrative Order, Wyman-Gordon had resolved the alleged violations identified in its internal Audit, the EPA inspection report and this Complaint. In its Response, Wyman-Gordon provided EPA with a detailed description of the substantial improvements the company has made to its environmental compliance management program. Wyman-Gordon certified that the corrective actions it took resolved the alleged violations listed in the Administrative Order. The Facility has been in compliance with its Permit since that time.

28. Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(B) speaks for itself. The rest of the allegations contained in this paragraph are conclusions of law to which no responses are required, and to the extent that such allegations require responses, such allegations are denied.

29. Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1) speaks for itself. Wyman-Gordon lacks knowledge or information sufficient to form a belief as to the truthfulness or accuracy of the allegation that EPA notified the Texas Commission on Environmental Quality ("TCEQ") of the issuance of this Complaint. Further, Wyman-Gordon lacks knowledge or information sufficient to form a belief as to the truthfulness or accuracy of the allegation that

TCEQ was afforded an opportunity to consult with EPA regarding the assessment of an administrative penalty. These allegations are, therefore, denied.

30. Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A) speaks for itself. Wyman-Gordon lacks knowledge or information sufficient to form a belief as to the truthfulness or accuracy of the allegation, and on this basis, this allegation is denied.

III. PROPOSED PENALTY

31. The allegations contained in this paragraph are conclusions of law to which no responses are required, and to the extent that such allegations require responses, such allegations are denied.

32. Wyman-Gordon lacks knowledge or information sufficient to form a belief as to the truthfulness or accuracy of the allegation (*i.e.*, what Complainant considered in proposing the penalty amount), and therefore denies the same at this time.

IV. FAILURE TO FILE AN ANSWER

33. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

34. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

35. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

36. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

37. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

38. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

39. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

40. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

41. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

VI. SETTLEMENT

42. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

43. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

44. The allegations contained in this paragraph do not call for responses, and therefore, no responses are given. To the extent the allegations do call for responses, Wyman-Gordon denies the allegations.

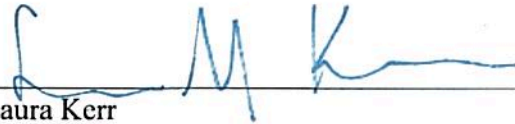
45. Wyman-Gordon denies every other allegation in the Complaint which is not expressly admitted herein.

VII. REQUEST FOR INFORMAL SETTLEMENT CONFERENCE AND HEARING

46. Wyman-Gordon requests an informal settlement conference and a hearing on the issues raised by the Administrative Penalty Complaint and this Answer.

DATED: April 22, 2019.

STOEL RIVES LLP



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CERTIFICATE OF SERVICE

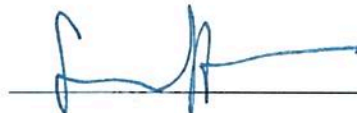
The undersigned hereby certifies that the original and one copy of Wyman-Gordon Forgings, Inc.'s Answer to Administrative Complaint and Request for Hearing, was delivered by electronic mail, pursuant to EPA's written consent under 22 C.F.R. § 22.5(b)(2), and via Certified Mail, return receipt requested, to the Regional Hearing Clerk (6RC-D), U.S. EPA, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75020-2733, and that a true copy of the same was sent via Certified Mail, return receipt requested to:

Efren Ordóñez (Mail Code 6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

TCEQ Area Director, Region 12
Kelly Keel Linden
MC 172
PO Box 13087
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Date



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