



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

APR - 8 2016

U.S. Environmental Protection Agency-Reg 2
2016 APR 13 AM 8:03
REGIONAL HEARING CLERK

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 1730 0000 9218 3829

Mr. James Pultorak, Facilities Manager
Consolidated Precision Products Corp.
901 East Genesee Street
Chittenango, New York 13037

Re: Notice of Proposed Assessment of a Civil Penalty
In the Matter of: Consolidated Precision Products Corp.
Docket No. CWA-02-2016-3314

Dear Mr. Pultorak:

Enclosed is an Administrative Complaint ("Complaint") which the U.S. Environmental Protection Agency ("EPA") is issuing to you as a result of our determination that Consolidated Precision Products Corp., located at 901 East Genesee Street, Chittenango, New York, has failed to comply with the General Pretreatment Regulations in violation of Sections 307(d) and 308(a) of the Clean Water Act ("Act"), 33 U.S.C. §§ 1317(d) and 1318(a). This Complaint is filed pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of \$13,368 be assessed against Consolidated Precision Products Corp. for this violation.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint. Enclosed is a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22, which the Agency follows in cases of this kind. Please note the requirements for an Answer at 40 C.F.R. § 22.15. **If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint to the EPA Regional Hearing Clerk at the following address:**

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor (Room 1631)
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint, you may be judged to have defaulted (See, § 22.17 of the CROP). If a default order is entered, the entire proposed penalty may be assessed without further proceedings. Whether or not you request a formal hearing, you may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. You may represent yourself or be represented by

an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or effect what you may choose to say in an Answer, nor does it extend the thirty (30) days by which you must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the Proposed CROP, including Subpart I thereof.

In addition, Securities and Exchange Commission ("SEC") Regulation S-K, Item 103 - Legal Proceedings (17 C.F.R. § 229.103) requires registrants with the SEC (e.g., publicly-traded companies) to periodically disclose a broad array of environmental legal proceedings in statements filed with the Commission. In an effort to increase awareness of this duty, and encourage greater disclosure of environmental legal proceedings, we are enclosing a "Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings."

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact:

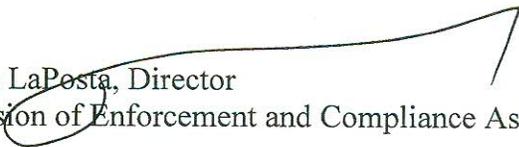
Evans Stamatakis, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
290 Broadway - 16th Floor
New York, New York 10007-1866
(212) 637-3201

Offer of Settlement

In an effort to promptly settle this matter, we are enclosing, for your consideration, a proposed Consent Agreement and Final Order ("CA/FO"). If, at the close of the public comment period on the Complaint, no adverse public comments are received and no information contrary to the information set forth in the Complaint comes to our attention in any other fashion, we would be prepared to enter into a CA/FO on the terms enclosed. Under the terms of the CA/FO you would be obligated to pay a penalty of \$8,422 in accordance with the terms of the CA/FO. **If you wish to resolve this matter without further proceedings, please sign the enclosed CA/FO and return it to EPA within twenty-five (25) days of your receipt of this letter. Do not submit payment to EPA until after you receive an executed CA/FO.** If we do not receive the CA/FO, signed by you or your authorized representative, within this twenty-five (25) day period, our offer of settlement is withdrawn and we will thereafter seek the full amount of the penalty proposed in the Complaint.

If you have any questions on the enclosed Consent Agreement and Final Order, please contact Mr. Evans Stamatakis. We urge your prompt attention to this matter.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

1. Complaint
2. Consolidated Rules of Practice
3. Proposed Consent Agreement and Final Order

cc: Karen Maples, Regional Hearing Clerk
Joseph DiMura, P.E., Director, Bureau of Water Compliance programs, NYSDEC

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

U.S. Environmental
Protection Agency-Reg 2
2016 APR 13 AM 8:03

REGIONAL HEARING
CLERK

IN THE MATTER OF:

Consolidated Precision Products Corp.
901 East Genesee Street
Chittenango, New York 13037

Respondent

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

**Administrative Complaint
Findings of Violation, Notice of Proposed
Assessment of a Civil Penalty, and Notice of
Opportunity to Request a Hearing**

**Proceeding to Assess Class I
Civil Penalty**

Docket No. CWA-02-2016-3314

I. PRELIMINARY STATEMENT

1. This Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing ("Complaint") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 309(g)(2)(A) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region 2, who in turn has delegated it to the Director, Division of Enforcement and Compliance Assistance ("DECA") of EPA, Region 2 ("Complainant").
2. Pursuant to Section 309(g)(2)(A) of the Act, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("CROP"), 40 C.F.R. Part 22, a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against Consolidated Precision Products Corp. ("Respondent") for its violations of federal pretreatment standards and requirements promulgated pursuant to Section 307(b) of the Act, 33 U.S.C. § 1317(b), and enforceable pursuant to Section 307(d) of the Act, 33 U.S.C. § 1317(d).

II. APPLICABLE LEGAL REQUIREMENTS

1. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person from a point source into navigable waters of the United States, except in compliance with, inter alia, Section 402 of the Act, 33 U.S.C. § 1342.
2. "Person" is defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5), to include, among other things, an individual, corporation, partnership, association or municipality.

3. “Pollutant” is defined by Section 502(6) of the Act, 33 U.S.C. § 1362(6), to include, among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, and industrial, municipal and agricultural waste discharged into water.
4. “Discharge of a pollutant” is defined by Section 502(12) of the Act, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
5. “Navigable waters” is defined by Section 502(7) of the Act, 33 U.S.C. § 1362(7), to include the waters of the United States.
6. Section 306(a)(3) of the Act, 33 U.S.C. § 1316(a)(3), defines “source” as any building, structure, facility, or installation from which there is or may be the discharge of pollutants.
7. “Point source” is defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14), as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or vessel, from which pollutants are or may be discharged.
8. Pursuant to 40 C.F.R. § 403.3(q), “Publicly Owned Treatment Works” (“POTW”) is a treatment works, defined by Section 212(2)(A)-(B) of the Act, 33 U.S.C. § 1292(2)(A)-(B) [as, among other things, any devices, methods, and/or systems that, at a minimum, store, treat, or dispose of municipal waste or industrial wastes, including waste in combined storm water and sanitary sewer systems], which is owned by a State or municipality.
9. Section 301(b)(1)(A) of the Act, 33 U.S.C. § 1311(b)(1)(A), provides that effluent limitations for point sources, other than a POTW, (i) shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to Section 304(b) of the Act, 33 U.S.C. § 1314(b), or (ii) shall, in the case of a discharge into a POTW that meets the requirements of Section 301(b)(1)(B) of the Act, 33 U.S.C. § 1311(b)(1)(B), require compliance with applicable pretreatment requirements and any requirements under Section 307 of the Act, 33 U.S.C. § 1317.
10. Section 402(b)(8) of the Act, 33 U.S.C. § 1342(b)(8), along with Section 307(b) of the Act, 33 U.S.C. § 1317(b), establishes the National Pretreatment Program to regulate discharges from industries to POTWs as a component of the National Pollutant Discharge and Elimination System (“NPDES”) Permitting Program. The National Pretreatment Program requires non-domestic dischargers to treat or control pollutants in their wastewater before discharging to a POTW.
11. Section 307(b) of the Act, 33 U.S.C. § 1317(b), provides that the Administrator must identify categories of sources, including metal molding and casting; and metal finishing, and propose, publish, and revise, when needed, regulations establishing Federal standards of performance (“Pretreatment Standards”) for these categories.
12. In accordance with Section 307(b) of the Act, 33 U.S.C. § 1317(b), the Administrator promulgated categorical Pretreatment Standards for the Metal Molding and Casting (“MMC”) Point Source Category under 40 C.F.R. Part 464 (“MMC Standards”). The MMC point source category applies to process wastewater discharges from facilities with metal molding and

casting operations covered by 40 C.F.R. Part 464 (Pretreatment Standards for Existing Sources). These standards became effective on December 13, 1985. Within the Metal Molding and Casting Standards there are Pretreatment Standards for the Ferrous Casting Subcategory, found at 40 C.F.R. §§ 464.30 – 464.37 (“Ferrous Casting Pretreatment Standards”). These standards became effective on December 13, 1985.

13. Pursuant to Section 307(b) of the Act, 33 U.S.C. § 1317(b), the Administrator of EPA promulgated “Categorical Pretreatment Standards” for the Metal Finishing (“MF”) Point Source Categories (Pretreatment Standards for Existing Sources), 40 C.F.R. Part 433 (“MF Standards”). These Standards became effective on August 29, 1983.
14. Any existing source subject to the MMC Standards which engages in the metal molding and casting operations, as set forth in 40 C.F.R. Part 464, Subpart C, must comply with the pretreatment standards for existing sources set forth in 40 C.F.R. § 464.35(e)(2), which includes, but is not limited to, the maximum limit for any one (1) day and monthly average limit for oil and grease, and the general pretreatment regulations under 40 C.F.R. § 403 (“General Pretreatment Regulations”) if the MMC source introduces pollutants, including wastewater or any other “Indirect Discharge” generated from the metal molding and casting operations, into a POTW, except as provided in 40 C.F.R. §§ 403.7 and 403.13.
15. Any existing source subject to the MF Standards which engages in the metal finishing operations, as set forth in 40 C.F.R. Part 433, must comply with the pretreatment standards for existing sources set forth in 40 C.F.R. § 433.15, which includes, but is not limited to, the maximum limit for any one (1) day and monthly average limit for chromium, nickel, silver and Total Toxic Organics (“TTO”), and the general pretreatment regulations under 40 C.F.R. § 403 (“General Pretreatment Regulations”) if the MF source introduces pollutants, including wastewater or any other “Indirect Discharge” generated from the metal finishing operations, into a POTW, except as provided in 40 C.F.R. §§ 403.7 and 403.13.
16. “Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act, 33 U.S.C. § 1317(b), (c), or (d), and 40 C.F.R. § 403.3(i). A source of Indirect Discharge is an Industrial User (“IU”) pursuant to 40 C.F.R. § 403.3(j).
17. “Owner or operator” is defined under Section 306(a)(4) of the Act, 33 U.S.C. § 1316(a)(4), as any person who owns, leases, operates, controls, or supervises a source.
18. Owners and operators, specifically IUs, are prohibited from discharging pollutants into a POTW in violation of the applicable categorical Pretreatment Standards under Section 307(d) of the Act, 33 U.S.C. § 1317(d). The Administrator may require the owner or operator of an IU to install, use and monitor equipment, maintain records, make reports, sample effluents, and provide other information as may reasonably be required in order to carry out Section 402 of the Act, 33 U.S.C. § 1342. 33 U.S.C. § 1318.
19. In accordance with 40 C.F.R. § 403.12(b), an IU subject to categorical Pretreatment Standards and discharging into a POTW shall submit, a baseline report or baseline monitoring report (“BMR”), which includes, but is not limited to, flow measurement and measurement of

pollutants to the “Control Authority.” The Administrator of the Region taking the enforcement action is the “Control Authority” pursuant to 40 C.F.R. §§ 403.3(c) and (f), for POTWs that have not obtained approval authority in accordance with 40 C.F.R. § 403.11.

20. In accordance with 40 C.F.R. § 403.12(b)(5), for the measurement of pollutants, the IU shall submit the results of sampling and analysis identifying the nature and concentration (or mass) of regulated pollutants in the discharge from each regulated process, and that both daily maximum and average concentration (or mass) shall be reported to the Control Authority.
21. 40 C.F.R. § 403.12(b)(6) requires that a statement be provided, which has been reviewed by an authorized representative of the IU and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the IU to meet the Pretreatment Standards and Requirements.
22. 40 C.F.R. § 403.12(d) requires that within ninety (90) days following the date for final compliance with the applicable categorical Pretreatment Standards, any IU subject to Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in 40 C.F.R. § 403.12(b)(4)-(6). For IUs subject to the equivalent mass or concentration limits established by the Control Authority in accordance with the procedures in 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the IU’s long term production rate. For all other IUs subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the IU’s actual production during the appropriate sampling period.
23. 40 C.F.R. § 403.12(e) requires an IU subject to a categorical Pretreatment Standard to also submit to the Control Authority periodic reports on continued compliance (“Periodic Reports”). These Periodic Reports, due during the months of June and December of each year, must, among other things, indicate the nature and concentration of those pollutants in the effluent that are subject to the applicable categorical Pretreatment Standards.
24. 40 C.F.R. § 403.12(g)(2) provides that if sampling performed by an IU indicates a violation, the IU shall notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The regulation further requires that the IU shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation.
25. 40 C.F.R. § 403.12(j) provides that all IUs must promptly notify the Control Authority (and the POTW if the POTW is not the Control Authority) in advance of any substantial change in the volume or character of pollutants in their Discharge.
26. Section 309(a) of the Act, 33 U.S.C. § 1319(a), authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the Act, 33 U.S.C. § 1311.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW/FINDINGS OF VIOLATION

1. Consolidated Precision Products, Corp. (“Respondent”), is a corporation incorporated under the State of Delaware. Respondent is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5). Respondent has owned and operated, since 1975, a facility located at 901 East Genesee Street, Chittenango, New York (the “Facility”), where Respondent performs, among other things, metal molding and casting operations, in addition to metal finishing operations.
2. The Facility is a “source” within the meaning of Section 306(a)(3) of the Act, 33 U.S.C. § 1316(a)(3), and an “IU” within the meaning of 40 C.F.R. § 403.3(j).
3. The Facility introduces wastewater from its manufacturing processes into the Village of Chittenango Wastewater Treatment Plant. This process wastewater is a “pollutant” within the meaning of Section 502(6) of the Act, 33 U.S.C. § 1362(6), and the Village of Chittenango Wastewater Treatment Plant receiving this pollutant is publicly owned, and therefore qualifies as a POTW, under Section 212(2)(a) of the Act, 33 U.S.C. § 1292(2)(a) (hereinafter referred to as “the POTW”).
4. Since the Facility introduces pollutants from its MMC and MF operations into the POTW, the Facility is subject to the MMC and MF Standards. Specifically, wastewater generated from the Facility’s MMC operations is subject to the categorical Pretreatment Standards at 40 C.F.R. Part 464 Pretreatment Standards for Existing Sources. As an existing source subject to the MMC Standards that introduces pollutants into a POTW, the Facility must comply with and achieve the pretreatment standard limits as set forth in 40 C.F.R. § 464.35(e)(2). In addition, wastewater generated from the Facility’s MF operations is subject to the categorical Pretreatment Standards at 40 C.F.R. Part 433 Pretreatment Standards for Existing Sources. As an existing source subject to the MF Standards that introduces pollutants into a POTW, the Facility must comply with and achieve the pretreatment standard limits as set forth in 40 C.F.R. § 433.15.
5. As an IU of the POTW, the Facility is also required to comply with the requirements and standards promulgated by the EPA pursuant to Section 307 of the Act, 33 U.S.C. § 1317, including the General Pretreatment Standards found at 40 C.F.R. Part 403.
6. Pursuant to 40 C.F.R. § 403.3(f), EPA is the Control Authority responsible for implementing the General Pretreatment Standards, because the POTW does not have an “Approved Pretreatment Program” under 40 C.F.R. § 403.3(d), and the State of New York is not approved to operate a State pretreatment program in accordance with 40 C.F.R. § 403.10. Thus, pursuant to 40 C.F.R. §§ 403.12(b), (d), and (e), Respondent is required to submit to EPA the following: a BMR at least ninety (90) days prior to the commencement of discharge; a Report on Compliance with Categorical Pretreatment Standard Deadline due ninety (90) days following commencement of the discharge to the POTW (“90-day Compliance Report”); and Periodic Reports by June 30 and December 31 of each year.
7. On December 9, 2014, Respondent was issued an Administrative Compliance Order, Docket No. CWA-02-2015-3024 (“2014 Order”), for failure to meet the limit for the monthly average oil and grease loading at sample point #2 for a sample collected on December 19, 2013, for failure to submit a timely Periodic Reports by June 30, 2014 and for failure to notify EPA of the

change in volume of its discharge as required by 40 C.F.R. § 403.12(j). The 2014 Order stated that “Respondent shall submit all future periodic semi-annual compliance reports (due by June 30 and December 31 of each year) to USEPA Region 2 and shall ensure continued compliance with the requirements of the pretreatment regulations.

8. On December 17, 2014, Respondent signed an acknowledgment of receipt of the 2014 Order.
9. On July 2, 2015, EPA received a Periodic Report as an attachment to a letter dated June 30, 2015 from the Respondent and stated that “The parameters results for Pit 3 indicated chromium, nickel and silver exceeded their respective limits”. The report further stated that “Our measured facility water use increased by approximately 6,490 gallons when compared to measurements obtained during the prior sampling round in December 2014.”
10. On August 11, 2015, EPA received a letter dated July 30, 2015 from the Respondent, which attached the June 30, 2015 periodic report. The Respondent stated that “[referring to Pit #3] we have re-sampled this location for 3 consecutive days to verify compliance with the applicable limits.” The letter further stated that “The results from the three consecutive days of sampling indicated that the re-sampled metals parameters for Sample Point #3 were all below respective discharge limits.” In addition, this letter stated “Additionally, we noted that we would investigate potential causes for the elevated parameters and report any findings as well as corrective actions. A review of various process discharges associated with this sample point did not reveal and [any] identifiable factors to cause elevated parameters. However, examination of the collection pit indicated an accumulation of sludge like material that was cleaned from the pit prior to resampling. The Facility is now undertaking a periodic examination of this pit to ensure there are no longer excessive sludge accumulations.”
11. This office has reviewed the above-mentioned report and determined that the Respondent’s process wastewater that was discharged from Sample Point #3 had exceeded the monthly average and daily maximum metal finishing limits in 40 C.F.R. § 433.15 for chromium, nickel and silver in a sample collected on June 2, 2015. The result for chromium was 2.87 milligrams per liter (“mg/l”) which exceeded the daily maximum limit of 2.77 mg/l and the monthly average limit of 1.71 mg/l. The result for nickel was 5.9 mg/l which exceeded the daily maximum limit of 3.98 mg/l and the monthly average limit of 2.38 mg/l. The result for silver was 0.77 mg/l which exceeded the daily maximum limit of 0.43 mg/l and the monthly average limit of 0.24 mg/l.
12. In addition to the above, this office determined that the Respondent has not been monitoring the process wastewater discharged from Sample Point # 3 for all the toxic organics that are required to be monitored for, as listed in 40 C.F.R. § 433.11(e), and that the toxic organics listed in the Certified Environmental Services, Inc.’s laboratory results under EPA’s method 625 for semi-volatiles were analyzed at very high detection limits (ranging from 1000 micrograms per liter (“ug/l”) to 8000 ug/l). The summation of all quantifiable values greater than .01 milligrams per liter (“mg/l”) for all toxic organics listed in 40 C.F.R. § 433.11(e) shall meet the limit for Total Toxic Organics (“TTO”) of 2.13 mg/l. As a result, the summation of all the laboratory results with the high detection limits (69,800 ug/l = 69.8 mg/l) is excessively higher than the limit in 40 C.F.R. § 433.15 of 2.13 mg/l.

Toxic Organics (“TTO”) of 2.13 mg/l. As a result, the summation of all the laboratory results with the high detection limits (69,800 ug/l = 69.8 mg/l) is excessively higher than the limit in 40 C.F.R. § 433.15 of 2.13 mg/l.

13. This office also reviewed the re-sample results that were collected from Sample Point #3 on July 7, 2015 to July 9, 2015 that were presented in tabulated form (laboratory results were not submitted) as part of the July 30, 2015 submittal and determined that the results were in compliance with the monthly average and daily maximum metal finishing limits in 40 C.F.R. § 433.15 for chromium, nickel and silver.
14. On October 27, 2015, EPA received the September 2015 periodic report for samples that were collected on September 23, 2015 from Sample Points #1, #2 and # 3. This office reviewed this report and determined that the Respondent has not been monitoring the process wastewater discharged from Sample Point # 3 for all the toxic organics that are required to be monitored for as listed in 40 C.F.R. § 433.11(e).
15. On September 23 to 24, 2015, EPA performed a Compliance Sampling Inspection (CSI) at the Respondent’s facility (see attached CSI report) which revealed that the process wastewater discharged from Sample Point # 1 (Pit # 1) oil and grease (HEM) sample result was in exceedance of the average monthly maximum loading limit for the MMC of 110 [pounds per million pounds of metal poured] lbs/mmlbs and the calculated result was 119.8 lbs/mmlbs (using the flow amount reported in the September 2015 periodic report).
16. Based upon the Paragraphs above, EPA finds Respondent has violated federal pretreatment requirements set forth in the Act and its implementing regulations. Respondent is in violation of Sections 307 and 308 of the Act for failing to comply with General Pretreatment Regulations. Specifically, Respondent violated the requirements at 40 C.F.R. § 433.15 by failing to comply with the chromium, nickel and silver MF Standard limits; and monitor for all the toxic organics listed in 40 C.F.R. § 433.11(e). In addition, Respondent violated the requirements at 40 C.F.R. § 464.35(e)(2) by failing to comply with the oil and grease MMC Pretreatment Standard limit and to promptly notify the Control Authority, EPA, in advance of any substantial change in the volume or character of pollutants in their Discharge in violation of 40 C.F.R. § 403.12(j). Thus, based on the Findings cited above, Respondent is liable for the administrative assessment of civil penalties in an amount not to exceed \$16,000 per violation, up to a maximum of \$37,500.

IV. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the Debt Collection Improvement Act of 1996, EPA Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties ("Final Order") to Respondent assessing penalty of **\$13,368**, EPA determined the proposed penalty after taking into account the applicable factors identified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3). EPA has taken account of the nature, circumstances, extent and gravity of the violation (or violations), and

Respondent’s prior compliance history, degree of culpability, economic benefit or savings accruing to Respondent by virtue of the violations, and Respondent’s ability to pay the proposed penalty. Based on the Findings set forth above, Respondent has been found to have violated the Act in four (4) instances.

EPA may issue the Final Order Assessing Administrative Penalties thirty (30) days after Respondent's receipt of this Notice, unless Respondent files an Answer to the Complaint within that time and requests a Hearing on this Notice pursuant to the following section.

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE ACTION

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, NY 10007-1866**

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a). Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which the Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in the Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intend to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a Hearing. 40 C.F.R. § 22.15(b).

Respondent's failure to affirmatively raise in the Answer facts that constitute or that might constitute the grounds of a defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a Hearing.

B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a Hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If however, Respondent does not request a Hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a Hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any Hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A Hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of the CROP, at 40 C.F.R. §§ 22.21-22.26.

Should Respondent request a Hearing on this proposed penalty assessment, members of the public to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to be heard and to present evidence on the appropriateness of the penalty assessment. Should Respondent not request a Hearing, EPA will issue a Final Order, and only members of the public who submit timely comment on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a Hearing thereon. EPA will grant the petition and will hold a Hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

C. Failure to Answer

If Respondent fails in any Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely Answer to the Complaint [i.e. not in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)], Respondent may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in federal court.

VI. INFORMAL SETTLEMENT CONFERENCE

Regardless of whether Respondent requests a formal Hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint and Respondent may also provide whatever additional information it believes to be relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, in response to any relevant information previously not known to Complainant that demonstrates that any of the findings herein are without merit, or that the proposed penalty is not warranted. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

Evans Stamataky, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866
Telephone (212) 637-3201

The parties may engage in settlement discussions regardless of whether Respondent has requested a Hearing. 40 C.F.R. § 22.18(b)(1). Respondent's requesting a formal Hearing does not prevent Respondent from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint.

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. Note that no penalty reduction will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. § 22.18(b)(2). In accepting the Consent Agreement, Respondent waives any right to contest the allegations in the Complaint and waives any right to appeal the Final Order that is to accompany the Consent Agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Entering into a settlement through the signing of such Consent Agreement and complying with the terms and conditions set forth in such Consent Agreement and Final Order terminates this administrative litigation and these civil proceedings against Respondent (note that a new enforcement action may be initiated based on continued non-compliance). Entering into a settlement agreement does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

VII. RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty, **\$13,368**, within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. § 22.18(a). A copy of the check or other instrument of payment should be

provided to the EPA Attorney identified in Section VI above. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America", in the full amount of the penalty assessed in this Complaint to the following addressee:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Docket No. CWA-02-2016-3314

Wire transfers should be directed to the Federal Reserve Bank of New York

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency".

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order pursuant to 40 C.F.R. § 22.18(a)(3). In accordance with 40 C.F.R. § 22.45(c)(3), no Final Order shall be issued until at least ten (10) days after the close of the comment period on this Complaint. Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint (note that a new enforcement action may be initiated based on continued non-compliance). Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance, and EPA may initiate a new enforcement action based on evidence of new or continued violations.

VIII. FILING OF DOCUMENTS

The Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway - 16th Floor (Room 1631)
New York, New York 10007-1866

A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to:

Evans Stamatakis, Esq., Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway - 16th Floor
New York, New York 10007- 1866
(212) 637-3231

IX. GENERAL PROVISIONS

1. Respondent has a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated there under, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), will affect Respondent's continuing obligation to comply with the Act, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

ISSUED THIS 3rd DAY OF APRIL, 2016.



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. EPA - Region 2
290 Broadway
New York, New York 10007-1866

To: Mr. James Pultorak, Facilities Manager
Consolidated Precision Products Corp.
901 East Genesee Street
Chittenango, New York 13037



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR - 8 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7015 1730 0000 9218 3874

Mr. Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3506

Re: Notice of Proposed Assessment of a Civil Penalty
In The Matter of: Consolidated Precision Products Corp.
Docket No. CWA-02-2016-3314

Dear Mr. DiMura:

Enclosed is a copy of the Administrative Complaint and Notice of Proposed Assessment of a Civil Penalty, and an offer of settlement which the United States Environmental Protection Agency ("EPA") issued to Consolidated Precision Products Corp. ("Respondent"), pursuant to Section 309(g) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g). The EPA is issuing this Complaint to administratively assess a Class I Civil Penalty of \$13,368 against Consolidated Precision Products Corp. for violations of the Act. The EPA is offering an opportunity for you to confer with us regarding the proposed assessment because the violations have occurred in New York.

Given the nature of the violations, the number of violators and the need for prompt resolution of this matter, an offer of settlement for reduced penalty was offered to Respondent. This offer is contingent upon receipt of no adverse public comments in this matter.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: K. Maples, Regional Hearing Clerk

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

IN THE MATTER OF:

Consolidated Precision Products Corp.
901 East Genesee Street
Chittenango, New York 13037

Respondent

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

**Administrative Complaint
Findings of Violation, Notice of Proposed
Assessment of a Civil Penalty, and Notice of
Opportunity to Request a Hearing**

**Proceeding to Assess Class I
Civil Penalty**

Docket No. CWA-02-2016-3314

CERTIFICATE OF SERVICE

I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2011) to the following persons at the addresses listed below:

Mr. James Pultorak, Facilities Manager
Consolidated Precision Products Corp.
901 East Genesee Street
Chittenango, New York 13037

Mr. Joseph DiMura, P.E., Director
Bureau of Water Compliance Programs
Division of Water
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-3506

I hand carried the original and a copy of the foregoing Complaint to the Office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Date: 4/12/16
New York, New York


Marie St. Germain, Branch Secretary