

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:

Golden Aluminum, Inc.

Respondent

Docket No. CWA-08-2025-0009

**ADMINISTRATIVE ORDER ON
CONSENT**

INTRODUCTION

1. This Administrative Order on Consent (Consent Order) is entered into voluntarily by the U.S. Environmental Protection Agency (EPA) and Golden Aluminum, Inc. (Golden Aluminum or Respondent) to carry out the goals of section 101(a) of the Clean Water Act (CWA), 33 U.S.C. § 1251(a), to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”
2. This Consent Order is issued under the authority of section 309(a) of the CWA, 33 U.S.C. § 1319(a).
3. The Findings of Fact and of Violation (Findings) in paragraphs 16 through 55, below, are made solely by the EPA. In signing this Consent Order, Respondent neither admits nor denies the Findings. Without any admission of liability, Respondent consents to the issuance of this Consent Order and agrees to abide by all of its conditions. Respondent waives all remedies, claims for relief, and otherwise available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review of this Consent Order under the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent further agrees not to challenge the jurisdiction of the EPA or any of the Findings in any proceeding to enforce this Consent Order or in any action under this Consent Order.

STATUTORY AND REGULATORY BACKGROUND

4. The CWA prohibits any discharge of pollutants from a point source into navigable waters, except in compliance with certain other provisions of the CWA. 33 U.S.C. §§ 1311(a), 1362(6), 1362(7), 1362(12), and 1362(14).
5. Section 402 of the CWA, 33 U.S.C. § 1342, allows discharges of pollutants to navigable waters as authorized by National Pollutant Discharge Elimination System (NPDES) permits. The EPA, and states with NPDES programs approved by the EPA, may issue

NPDES permits that authorize discharges of pollutants into waters of the United States, subject to conditions and limitations set forth in such permits. 33 U.S.C. § 1342.

6. Among the types of dischargers that can receive NPDES permits authorizing pollutants to be discharged into navigable waters are publicly owned treatment works (POTWs). POTWs encompass the treatment works itself and a municipality with jurisdiction over discharges to and from such a treatment works. 40 C.F.R. § 403.3(q).
7. Section 307 of the CWA, 33 U.S.C. § 1317, directed the EPA to promulgate regulations establishing pretreatment standards for introducing pollutants into POTWs. The EPA has promulgated regulations at 40 C.F.R. part 403 (General Pretreatment Regulations) and at 40 C.F.R. parts 405 through 471 (Categorical Pretreatment Standards). These regulations are designed to regulate the introduction of pollutants into POTWs that are determined not to be susceptible to treatment by such treatment works or that could interfere with the operation of such treatment works.
8. Non-domestic sources that introduce pollutants into POTWs are known as Industrial Users (IUs), as defined in 40 C.F.R. § 403.3(j).
9. The introduction of pollutants from IUs to POTWs constitutes both an “Indirect Discharge” and a “Discharge,” as defined in 40 C.F.R. § 403.3(i).
10. According to 40 C.F.R. § 403.3(v), the term Significant Industrial User (SIU), includes, with exceptions not relevant here (and provided in 40 C.F.R. §§ 403.3(v)(2) and 403.3(v)(3)):
 - a) any IU subject to the Categorical Pretreatment Standards; and
 - b) any other IU that:
 - i. discharges an average of at least 25,000 gallons per day of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown water) to a POTW;
 - ii. contributes a process wastestream that makes up five or more percent of the average dry weather hydraulic or organic capacity of the POTW’s treatment plant; or
 - iii. is designated by the relevant Control Authority (defined in 40 C.F.R. § 403.3(f)) as an SIU on the basis of having a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 C.F.R. § 403.8(f)(6)). (The terms Pretreatment Standard and Pretreatment Requirement are defined in 40 C.F.R. §§ 403.3(l) and 403.3(t).)

11. The EPA has established Categorical Pretreatment Standards for quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new IU in specific industrial subcategories, pursuant to 40 C.F.R. § 403.6.
12. Two industrial categories for which the EPA has established Categorical Pretreatment Standards are the Coil Coating Point Source Category, 40 C.F.R. part 465, and the Aluminum Forming Point Source Category, 40 C.F.R. part 467.
13. Under the EPA's General Pretreatment Regulations, IUs subject to Categorical Pretreatment Standards are required to sample, analyze, and submit periodic reports on the nature and concentration of discharged pollutants subject to the relevant Categorical Pretreatment Standards and to provide notifications and conduct repeat analyses in the event of violations. 40 C.F.R. § 403.12. In addition, there are specialized definitions and monitoring requirements specific to the Coil Coating Point Source Category and the Aluminum Forming Point Source Category found at 40 C.F.R. parts 465 and 467, respectively.
14. The applicable effluent limits are listed in the pretreatment standards for new sources under Aluminum Forming Subpart A – Rolling with Neat Oils at 40 C.F.R. § 467.16, and Coil Coating Subpart C – Aluminum Basis Material at 40 C.F.R. § 465.35.
15. For Respondent, the effluent limits are determined by the Categorical Limits listed in 40 C.F.R. §§ 465.35 and 467.16.

FINDINGS

16. Respondent is a for-profit corporation incorporated under the laws of the State of Delaware and is authorized to do business in Colorado.
17. As a corporation, Respondent is a “person” as defined by section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
18. At all times relevant to this Consent Order, Respondent has owned and operated a facility that manufactures spools of aluminum sheets from aluminum ingots, dross sows, and scrap material at 1405 15th Street, Fort Lupton, Colorado (the Facility).
19. The Facility discharges industrial process wastewater containing pollutants, as defined by section 502(6) of the CWA, 33 U.S.C. § 1362(6), to a POTW, which includes the Fort Lupton Wastewater Treatment Facility collection system.
20. To date, the State of Colorado has not obtained EPA approval to administer the pretreatment component of the NPDES program. Accordingly, the EPA administers the pretreatment component of the NPDES program in Colorado.

21. The EPA has not required the Fort Lupton Wastewater Treatment Facility to develop an EPA-approved pretreatment program in accordance with 40 C.F.R. § 403.8(a). Therefore, the EPA is the pretreatment Control Authority, as defined in 40 C.F.R. § 403.3(f), for Respondent.
22. The Fort Lupton Wastewater Treatment Facility treats domestic and industrial wastewater. It meets the definition of a POTW under 40 C.F.R. § 403.3(q). The Fort Lupton Wastewater Treatment Facility is located at 130 S McKinley Ave, Fort Lupton, Colorado 81157.
23. The Fort Lupton Wastewater Treatment Facility discharges into the South Platte River.
24. The South Platte River is considered a “navigable water,” as defined by section 502(7) of the CWA, 33 U.S.C. § 1362(7).
25. The Fort Lupton Wastewater Treatment Facility is a “point source” that “discharges” “pollutants,” as these terms are defined by section 502, subsections (14), (12), and (6) of the CWA, 33 U.S.C. § 1362, subsections (14), (12), and (6), respectively.
26. The Respondent is subject to the Pretreatment Standards for the Coil Coating Point Source Category, 40 C.F.R. part 465, subpart C, Aluminum Basis Materials Subcategory; the Aluminum Forming Point Source Category 40 C.F.R. part 467, subpart A, Rolling with Neat Oils Subcategory; and the General Pretreatment Regulations, 40 C.F.R. part 403.
27. Subpart C of the Pretreatment Standards for Coil Coating, 40 C.F.R. part 465, was proposed on January 12, 1981 (46 Fed. Reg. 2934), promulgated on December 1, 1982 (47 Fed. Reg. 54232, 54244) and amended on August 24, 1984 (49 Fed. Reg. 33648).
28. Subpart A of the Pretreatment Standards for Aluminum Forming, 40 C.F.R. part 467, was proposed on November 22, 1982 (47 Fed. Reg. 52626, 52649), promulgated on October 24, 1983 (48 Fed. Reg. 49126, 49149), and amended on March 27, 1984 (49 Fed. Reg. 11631, 11632).
29. The Respondent began operations in 1983.
30. Respondent performs a coil coating process on the coating and quench line, which produces process wastewater that is regulated by the Coil Coating Point Source Category Pretreatment Standards, subpart C, Aluminum Basis Material Subcategory in 40 C.F.R. part 465.
31. Respondent performs operations of rolling, and related operations of heat treatment, casting, and surface treatment – specifically cold mill process of rolling with neat oils – producing wastewater from the wash line which is considered the ancillary operation of

cleaning or etching rinse and is regulated by the Aluminum Forming Point Source Category, subpart A, Rolling with Neat Oils Subcategory in 40 C.F.R. part 467.

32. For purposes of subpart A of the Pretreatment Standards for the Aluminum Forming Point Source Category Pretreatment Standards, and subpart C of the Pretreatment Standards for the Coil Coating Point Source Category, the Facility is a “new source” as defined in 40 C.F.R. § 403.3(m)(1) and is subject to 40 C.F.R. §§ 465.35 and 467.16.
33. As an IU that discharges wastewater regulated by 40 C.F.R. parts 465 and 467, the Facility is an SIU.
34. As the owner and operator of an IU subject to a Categorical Pretreatment Standard (40 C.F.R. § 403.12(e)), Respondent is required to submit periodic compliance reports to the EPA indicating the nature and concentration of pollutants limited by 40 C.F.R. parts 465 and 467.
35. As the owner and operator an IU subject to the General Pretreatment Regulations, Respondent is required to notify the EPA and to conduct repeat sampling in the event any sampling it performs indicates a violation of a Pretreatment Standard. 40 C.F.R. § 403.12(g)(2).
36. Based on EPA’s review of Respondent’s monthly monitoring reports, and Respondent’s submitted notifications of effluent exceedances, the EPA identified several instances in which Respondent was not in compliance with Aluminum Forming subpart A, Rolling with Neat Oils and Coil for new source performance standards, 40 C.F.R. § 467.16, the Coil Coating subpart C, Aluminum Basis Material Subcategory for new source performance standards, 40 C.F.R. § 465.35, and the general requirements, 40 C.F.R. § 403. The EPA has identified the following violations:
37. Respondent’s monthly self-monitoring reports indicated that samples collected in November 2022, January 2023, and July 2023 exceeded the monthly average effluent limitations for chromium at Monitoring Point MP-001 (wash Line). Respondent did not notify EPA or the POTW within 24 hours of becoming aware of these violations. These exceedances resulted in significant noncompliance (SNC) by Respondent. In addition, monthly self-monitoring reports collected in November 2023, December 2023, and January 2024 indicated exceedances of monthly average effluent limitations for chromium at Monitoring Point MP-002 (paint/chrome line).

Violation of Daily Maximum Chromium Limitation at MP-001

38. For discharges of chromium to the POTW at MP-001 (wash Line), the Respondent is subject to a daily maximum of 0.52 lb/million off-lbs of Aluminum (Al) cleaned or etched. 40 C.F.R. § 467.16 (Cleaning or Etching Rinse).
39. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium daily maximum effluent limit for discharges from the Facility. The sample

collected on July 7, 2023, was 1.1272 lb/million off-lbs of Al cleaned or etched and exceeded the daily average limit of 0.52 lb/million off-lbs of Al cleaned or etched. 40 C.F.R. § 467.16 (Cleaning or Etching Rinse).

Violation of Monthly Average Chromium Limitation at MP-001

40. For discharges of chromium to the POTW at MP-001 (wash Line), the Respondent is subject to a monthly average limit of 0.21 lb/million off-lbs of Al cleaned or etched. 40 C.F.R. § 467.16 (Cleaning or Etching Rinse).
41. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium monthly average effluent limit for discharges from the Facility during the month of November 2022. Specifically, the sample collected on November 9, 2022, was 0.2603 lb/million off-lbs of Al cleaned or etched. Since this was the only reported chromium sample collected in the month, this violation exceeded the monthly average limit of 0.21 lb/million off-lbs of Al cleaned or etched. 40 C.F.R. § 467.16 (Cleaning or Etching Rinse).
42. This November 2022 violation also exceeded the technical review criteria (TRC) monthly average limit (chromium monthly average limit of 0.21 lb/million off-lbs of Al cleaned or etched x TRC value of 1.2 = 0.252 lb/million off-lbs of Al cleaned or etched). 40 C.F.R. § 403.8(f)(2)(viii)(B).
43. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium monthly average effluent limit for discharges from the Facility during January 2023. Specifically, the sample collected on January 27, 2023, was 0.4754 lb/million off-lbs of Al cleaned or etched. Since this was the only reported chromium sample collected in the month, this violation exceeded the monthly average limit of 0.21 lb/million off-lbs of Al cleaned or etched. 40 C.F.R. § 467.16 (Cleaning or Etching Rinse).
44. This January 2023 violation also exceeded the TRC monthly average limit of 0.252 lb/million off-lbs of Al cleaned or etched. This was the second of six samples (33.3 percent) collected in the 6-month period (October 1, 2022, through March 31, 2023) that exceeded the TRC monthly average limit, resulting in SNC for TRC violations for the chromium monthly average limit for the first quarter 2023 per 40 C.F.R. § 403.8(f)(2)(viii)(B).
45. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium monthly average effluent limit for discharges from the Facility during July 2023. Specifically, the sample collected on July 7, 2023, was 1.1272 lb/million off-lbs of Al cleaned or etched. Since this was the only reported chromium sample collected in the month, this violation exceeded the monthly average limit of 0.21 lb/million off-lbs of Al cleaned or etched. This violation also exceeded the TRC monthly average limit of 0.252 lb/million off-lbs of Al cleaned or etched. 40 C.F.R. § 467.16 (Cleaning or Etching Rinse).

Violation of Daily Maximum Chromium Limitation at MP-002

46. For discharges of chromium to the POTW at MP-002 (paint/chrome line), the Respondent is subject to a daily maximum limit of 0.037 lb/million ft² of Al processed. 40 C.F.R. § 465.35.
47. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium daily maximum effluent limit for discharges from the Facility in December 2023. The sample collected on December 29, 2023, (result 0.0400 lb/million ft² of Al processed) exceeded the chromium daily maximum limit of 0.037 lb/million ft² of Al processed.

Violation of Monthly Average Chromium Limitation at MP-002

48. For discharges of chromium to the POTW at MP-002 (paint/chrome line), the Respondent is subject to a monthly average of 0.015 lb/million ft² of Al processed. 40 C.F.R. § 465.35.
49. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium monthly average effluent limit for discharges from the Facility during November 2023. Specifically, the result for the chromium sample taken on November 21, 2023, was 0.0248 lb/million ft² of Al processed. Since this was the only sample collected in the month, this violation exceeded the monthly average limit.
50. This November 2023 violation also exceeded the TRC monthly average limit (chromium monthly average limit of 0.014 lb/million ft² of Al processed x TRC value of 1.2 = 0.018 lb/million ft² of Al processed). 40 C.F.R. §403.8(f)(2)(viii)(B).
51. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium monthly average effluent limit for discharges from the Facility during December 2023. The Respondent collected two chromium samples during the month; the sample collected on December 12, 2023, was 0.0262 lb/million ft² of Al processed, and the second sample collected December 29, 2023, was 0.0400 lb/million ft² of Al processed. Therefore, the monthly average for chromium based on these two samples $[(0.0262 + 0.0400) / 2] = 0.0331$ lb/million ft² of Al processed and exceeded the monthly average limit of 0.015 lb/million ft² of Al processed. 40 C.F.R. § 465.35.
52. This December 2023 violation exceeded the TRC chromium monthly average limit (0.018 lb/million ft² of Al processed). Therefore, during the 6-month period (July 2023 – December 2023) two of the six months (33.3 percent) exceeded the TRC monthly average limit resulting in the facility being in SNC for TRC violations of the chromium monthly average. 40 C.F.R. §403.8(f)(2)(viii)(B).

53. As documented in reports Respondent submitted to the EPA, Respondent violated the chromium monthly average effluent limit for discharges from the Facility during January 2024. Specifically, three chromium samples were collected: the January 6, 2024, result was 0.0215 lb/ million ft² of Al processed; the January 24, 2023 result was 0.0157 lb/ million ft² of Al processed; and the January 31, 2024 result was 0.0103 lb/ million ft² of Al processed. Therefore, the monthly average for chromium based on the three samples $[(0.0215 + 0.0157 + 0.0103) / 3] = 0.0158$ lb/ million ft² of Al processed exceeding the monthly average limit of 0.015 lb/million ft² of Al processed. 40 C.F.R. § 465.35.

Violation of Notification Requirement

54. If any sampling performed by Respondent indicates a violation of a Pretreatment Standard, Respondent is required to notify the EPA within 24 hours of becoming aware of the violation and repeat the sampling and analysis. 40 C.F.R. § 403.12(g)(2).
55. Respondent failed to notify the EPA within 24 hours of becoming aware of the monthly average chromium violations at MP-001 for the samples collected in November 2022, January 2023, and July 2023 in violation of 40 C.F.R. § 403.12(g)(2).

ORDER FOR COMPLIANCE

Based on the foregoing Findings, the EPA orders, and Respondent agrees, as follows:

56. For each month during which Respondent discharges to the POTW, Respondent must sample its discharge for chromium for the duration of the compliance schedule referenced in paragraph 58.
57. For each instance in which Respondent becomes aware of chromium concentration in exceedance of the discharge limitations, Respondent must (a) within 24 hours notify the EPA of the sample result, and (b) within 30 days of the exceedance submit analytical results of re-sampling to the EPA. These notifications and submissions will be provided as required by paragraph 60.
58. Respondent must (a) conduct and submit monthly effluent sampling data to the EPA for six consecutive months, (b) conduct an internal evaluation to identify the sources of the chromium in the operating processes, and (c) identify opportunities to reduce chromium levels below effluent limits, including operation and maintenance changes to optimize of the Facility's pretreatment system for chromium treatment.
- a. On or before the first day of each month beginning **May 1, 2025**, Respondent must submit the previous month's sample analysis reports and/or data by email to the EPA contact listed in paragraph 60 below.

- b. Monthly compliance monitoring reports are still required by 40 C.F.R. § 403.12(e), in addition to providing the AOC monthly sample analysis reports. Monthly compliance reports must be submitted via hard copy to EPA, Colorado Department of Public Health and Environment, and City of Fort Lupton and include all sample analysis conducted during the quarter.
- c. Respondent must submit a final report to EPA by **October 31, 2025**. The final report to the EPA must describe the actions Respondent has taken to comply with the terms of this Consent Order. This report should include, at a minimum,
 - i. Detailed summary of Respondent's investigation into the sources, or lack thereof, of chromium at the Facility;
 - ii. Actions taken to reduce chromium to meet effluent limitations and identify opportunities to prevent potential future contamination of wastewaters; including changes to the operation and maintenance of the Facility's pretreatment system to optimize the system for chromium treatment; and
 - iii. A written certification to the EPA that Respondent has completed all monthly sampling and reporting of results as required by this Consent Order.

59. Upon notification from the EPA that Metro Water Recovery (Metro) has assumed responsibility of the Pretreatment Program for the City of Fort Lupton, and is the applicable "Control Authority," as defined by 40 C.F.R. 403.3(f), Respondent must also copy Metro on their submittals, reports, and notifications under this Consent Order.

60. All submittals to the EPA required by this Consent Order must be provided via U.S. mail and e-mail to:

Stephanie Passarelli
NPDES Inspector and Enforcement Officer
Enforcement and Compliance Assurance Division
U.S. EPA Region 8 (8ECA-W-NW)
1595 Wynkoop Street
Denver, Colorado 80202
passarelli.stephanie@epa.gov
303-312-6803

61. All submittals required by this Consent Order must include the following certification statement, signed and dated by either a principal executive officer or duly authorized representative of Respondent:

I hereby 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 responsible for gathering

the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

62. At the EPA's sole discretion, the EPA may extend deadlines required by this Consent Order with written notice to Respondent, without further formal amendment of this Consent Order. All other modifications to this Consent Order may be made only by written agreement of the parties.
63. Upon completion of all requirements of this Consent Order, Respondent may submit a request for termination to the EPA, together with all necessary supporting documentation. Upon request from Respondent, EPA will confer with Respondent within 60 days of receiving Respondent's request to terminate. If the EPA finds it is appropriate to terminate this Consent Order, the EPA may do so unilaterally.
64. The provisions of this Consent Order are severable. If any provision of this Consent Order is determined to be unenforceable, the remaining provisions will remain in full force and effect.
65. The Consent Order will apply to and be binding upon Respondent, its agents, successors, and assigns, and upon all persons, contractors, and consultants acting under or on behalf of Respondent in matters related to compliance with this Consent Order. No change in the ownership or operation of the Facility will alter its responsibilities under this Consent Order unless the EPA, Respondent, and the transferee agree in writing to allow the transferee to assume such responsibilities. Respondent must provide a copy of this Consent Order to any successors prior to such transfer. Additionally, 30 calendar days prior to such transfer, Respondent must notify the EPA contact specified in paragraph 60, above.
66. Respondent must provide a copy of this Consent Order to all contractors, subcontractors, laboratories and consultants retained to perform or monitor any portion of the work called for by this Consent Order, on or before the date of such retention, and must condition all such contracts on compliance with the terms of this Consent Order.
67. Compliance with this Consent Order does not relieve Respondent of its obligations to comply with any applicable federal, state, or local requirements.
68. This Consent Order does not constitute a waiver or a modification of any requirements of the CWA, or its implementing regulations, all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under section 309 of the CWA, 33 U.S.C. § 1319, or any other authority, for any violation cited in this Consent Order.

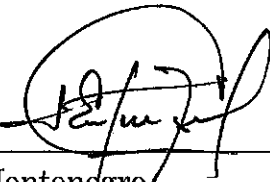
69. This Consent Order does not constitute a waiver or election by the EPA to forego any civil or criminal action to seek penalties, fines, or other relief as it may deem appropriate. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), authorizes the assessment of civil penalties of up to \$68,445 (as adjusted for inflation by 40 C.F.R. part 19) per day for each violation. Section 309(c) of the CWA, 33 U.S.C. § 1319(c), authorizes fines and imprisonment for willful or negligent violations.
70. This Consent Order will be effective on the date it is filed with the Office of the Regional Hearing Clerk for EPA Region 8.
71. Respondent may assert a business confidentiality claim pursuant to 40 C.F.R. § 2.203(b) with respect to part or all of any information submitted to the EPA pursuant to this Order. The EPA may disclose information covered by a business confidentiality claim only to the extent permitted by, and by means of the procedures set forth at, 40 C.F.R. part 2, subpart B.
72. The EPA and Respondent consent to service of the Consent Order by e-mail at the following valid e-mail addresses: castelli.matthew@epa.gov (for Complainant), and luismontenegro@goldenaluminum.com (for Respondent).
73. The undersigned representative of Respondent certifies s/he has the legal authority to bind Respondent to the terms and conditions of this Consent Order.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 8**

Date: April 10, 2025

By: _____
Colleen Rathbone, Manager
Water Enforcement Branch
Enforcement and Compliance Assurance Division

**GOLDEN ALUMINUM, INC
RESPONDENT**

Date: 4/7/2025 By: 
Luis Montenegro
Plant Manager