UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

July 6, 2023

TRANSMITTED VIA E-MAIL

Mr. Benjamin Priola
Wyman-Gordon Forgings, Inc.
10825 Telge Road
Houston, Texas 77095
ben.priola@wyman.com

Re: Administrative Order; Docket Number: CWA-06-2023-1752
Wyman-Gordon Forgings, Inc.
TPDES Permit Number: TX0042129

Dear Mr. Priola:

Enclosed is an Administrative Order (AO) issued to Wyman-Gordon Forgings, Inc., for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). Violations were identified during a review of the permit file and discharge monitoring reports submitted for the Wyman-Gordon Wastewater Treatment Facility. The violations alleged are for failure to meet permit effluent limitations and failure to report sampling and monitoring results in discharge monitoring reports. The EPA requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to vaughn.alan@epa.gov.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of the effective date of the AO. The Environmental Protection Agency is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2023-1752 and TPDES Permit Number TX0042129 on your response.

If you have any questions, please contact Mr. Alan Vaughn of my staff, at (214) 665-7487 or vaughn.alan@epa.gov.

Sincerely,

Digitally signed by
MARGARET OSBOURNE
Date: 2023.07.06
15:40:57 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

ec: kristy.deaver@tceq.texas.gov

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), Section 309(a) of the Clean Water Act (the Act), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. Wyman-Gordon Forgings, Inc. (Respondent) is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to this Order (all relevant times), Respondent owned or operated the Wyman-Gordon Wastewater Treatment Facility (facility) located at 10825 Telge Road, Houston, Harris County, Texas 77095, and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its final wastewater discharge to an unnamed drainage ditch, thence to Harris County Flood Control District (HCFCD) Ditch No. U106-13-00; thence to Horsepen Creek; thence to Langham Creek; thence to Bear Creek; thence to South Mayde Creek; thence to Buffalo Bayou above Tidal in Segment No. 1014 of the San Jacinto River Basin, which are "waters of the United States," within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.

7. Section 402 of the Act, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdiction. Pursuant to this provision, the State of Texas requested approval from EPA to administer its own permit program for discharges into navigable waters within Texas, and such approval was granted by EPA on September 14, 1998. Therefore, pursuant to the State's permit program, the Texas Commission on Environmental Quality (TCEQ) issued Texas Pollutant Discharge Elimination System (TPDES) permits. Violation of a TPDES permit is a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

8. Respondent applied for and was issued TPDES Permit No. TX0042129 (permit) under Section 402 of the Act, 33 U.S.C. § 1342, which was issued on October 24, 2018. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.

9. The permit includes "Monitoring and Reporting Requirements" that require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures, in order to determine the facility's compliance or noncompliance with the permit and applicable regulations. The permit also requires Respondent to file with TCEQ certified Discharge Monitoring Reports (DMRs) of the results of monitoring, and Noncompliance Reports when appropriate.

10. The permit contains "Effluent Limitations and Monitoring Requirements" that place certain limitations on the quality and quantity of effluent discharged by Respondent. Effluent Limitations and Monitoring Requirements under the permit for Outfall 002 (TX2) require the Respondent to monitor once per quarter when discharge occurs for Whole Effluent Toxicity (WET) (Parameters 51710 and 51714). The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.

11. Certified DMRs filed by Respondent with TCEQ in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in the permit, as specified in Attachment B, as well as missing monitoring and sampling results, as specified in Attachment C. Attachments B and C are incorporated herein by reference.

12. Pursuant to 1.e. of the "Chronic Biomonitoring Requirements: Freshwater" section of the permit, if a test species fails to pass the sublethal endpoint at the 14% effluent concentration, the testing frequency will increase to monthly until such time compliance with the NOEC effluent limitation is demonstrated for a period of three consecutive months, at which time the quarterly testing frequency may be resumed.

13. Pursuant to 3.b.2. of the "Chronic Biomonitoring Requirements: Freshwater" section of the permit, monthly biomonitoring test results are due on or before the 20th day of the month following sampling.

14. Certified DMRs filed by Respondent with TCEQ in compliance with the permit show that Respondent failed to conduct increased monitoring for WET when a test species failed to pass the sublethal endpoint at the 14% effluent concentration in accordance with 1.e. of the "Chronic Biomonitoring Requirements: Freshwater" section of the permit.

15. Each instance in which Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations contained in the permit, failed to conduct monitoring, or failed to report monitoring and sampling results in its DMRs, was a violation of the permit and Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

16. Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following action:

A. Take such measures as are necessary to comply with all permit conditions, including Effluent Limitations, Monitoring and Reporting Requirements, and Chronic Biomonitoring Requirements no later than thirty (30) days from the effective date of the Order.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of the specific actions taken to correct the Whole Effluent Toxicity, Oil & Grease, Dissolved Oxygen, Hexavalent Chromium, Total Aluminum, Total Mercury, Carbonaceous Biochemical Oxygen Demand, Total Nickel, Total Residual Chlorine, Chemical Oxygen Demand, and E. coli violations.

C. Within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA Region 6 that the violations cited herein have been corrected and the facility is compliant with the requirements of the permit.

D. Within thirty (30) days of the effective date of this Order, Respondent shall resubmit DMR's for November 2022, and February 2023, with the parameter sampling result values identified in Attachment C.

E. In the event the Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondent shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule for the elimination of the violations within the shortest possible time, as well as measures to prevent these or similar violations from recurring.

F. Any information or correspondence submitted by Respondent to EPA under this Order shall be submitted, via e-mail, to the following:

Mr. Alan Vaughn
vaughn.alan@epa.gov

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraph 16 is restitution, remediation, or required to come into compliance with the law.

This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local law or regulation.

The effective date of this Order is the date it is received by Respondent.

July 6, 2023
Date

Digitally signed by MARGARET OSBOURNE
Date: 2023.07.06 15:40:05 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Attachment A
Wyman-Gordon Forgings, Inc. TX0042129
Permit Limits

Effluent Characteristics	Discharge Limitations	
	Daily Avg.	Daily Max.
Outfall 101, 201, 301		
E. coli	63 CFU/100 ml	197 CFU/100ml
Outfall 002		
Oil and Grease	10.7 lbs/day	14.9 lbs/day
Chemical Oxygen Demand	376 lbs/day	563 lbs/day
Carbonaceous Biochemical Oxygen Demand	45 lbs/day	75 lbs/day
Hexavalent Chromium	0.0132 mg/L	0.0279 mg/L
Aluminum, Total	0.834 mg/L	1.77 mg/L
Mercury, Total	0.000039 mg/L	0.000082 mg/L
Nickel, Total	0.10 mg/L	0.30 mg/L
Dissolved Oxygen (minimum)	5.0 mg/L	5.0 mg/L
Outfall TX2		
Sublethal Whole Effluent Toxicity Ceriodaphnia dubia	14% monthly avg. min.	14 % 7-day min.
Sublethal Whole Effluent Toxicity Pimephales promelas	14 % monthly avg. min.	14 % 7-day min.

Outfall 101 - All domestic wastewater shall be given complete treatment (both primary and secondary) and chlorinated sufficiently to maintain at least a 1.0 mg/L chlorine residual and at most a 4.0 mg/L chlorine residual after at least 20 minutes contact time prior to missing with any other waters.

ATTACHMENT B

Wyman-Gordon Forgings, Inc. TX0042129

Effluent Violations

Monitoring Period	Outfall	Parameter	Statistical Base	Units	Permit Limit	Qualifier	DMR Value
03/31/2021	TX2	Whole Effluent Toxicity [WET] - C. dubia	7 DA MIN	%	14.	<	6.
03/31/2021	TX2	Whole Effluent Toxicity [WET] - C. dubia	MO AV MN	%	14.	<	6.
03/31/2021	TX2	Whole Effluent Toxicity [WET] - P. promelas	7 DA MIN	%	14.	=	6.
03/31/2021	TX2	Whole Effluent Toxicity [WET] - P. promelas	MO AV MN	%	14.	=	6.
06/30/2021	TX2	Whole Effluent Toxicity [WET] - C. dubia	7 DA MIN	%	14.	=	6.
06/30/2021	TX2	Whole Effluent Toxicity [WET] - C. dubia	MO AV MN	%	14.	=	6.
06/30/2021	TX2	Whole Effluent Toxicity [WET] - P. promelas	7 DA MIN	%	14.	=	11.
06/30/2021	TX2	Whole Effluent Toxicity [WET] - P. promelas	MO AV MN	%	14.	=	11.
07/31/2021	002	Oil & Grease	DAILY MX	lb/d	14.9	=	21.3
08/31/2021	002	Oxygen, dissolved [DO]	MO MIN	mg/L	5.	=	3.05
12/31/2021	TX2	Whole Effluent Toxicity [WET] - C. dubia	7 DA MIN	%	14.	=	8.
12/31/2021	TX2	Whole Effluent Toxicity [WET] - C. dubia	MO AV MN	%	14.	=	8.
12/31/2021	TX2	Whole Effluent Toxicity [WET] - P. promelas	7 DA MIN	%	14.	=	8.
12/31/2021	TX2	Whole Effluent Toxicity [WET] - P. promelas	MO AV MN	%	14.	=	8.
01/31/2022	002	Oxygen demand, chem. [high level] [COD]	DAILY AV	lb/d	376.	=	524.
05/31/2022	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0299
05/31/2022	002	Chromium, hexavalent [as Cr]	DAILY MX	mg/L	.0279	=	.039
09/30/2022	002	Aluminum, total [as Al]	DAILY AV	mg/L	.834	=	.913
09/30/2022	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0134
09/30/2022	002	Chromium, hexavalent [as Cr]	DAILY MX	mg/L	.0279	=	.0375
09/30/2022	002	Mercury, total [as Hg]	DAILY AV	mg/L	.000039	<	.005
09/30/2022	002	Mercury, total [as Hg]	DAILY MX	mg/L	.000082	<	.005
10/31/2022	101	Chlorine, total residual	MO MIN	mg/L	1.	=	.23
11/30/2022	002	BOD, carbonaceous [5 day, 20 C]	DAILY AV	lb/d	45.	=	63.
11/30/2022	002	BOD, carbonaceous [5 day, 20 C]	DAILY MX	lb/d	75.	=	83.
11/30/2022	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0175
11/30/2022	002	Oxygen demand, chem. [high level] [COD]	DAILY AV	lb/d	376.	=	581.
11/30/2022	002	Oxygen demand, chem. [high level] [COD]	DAILY MX	lb/d	563.	=	605.
12/31/2022	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0162
01/31/2023	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0225
01/31/2023	002	Mercury, total [as Hg]	DAILY AV	mg/L	.000039	<	.005
01/31/2023	002	Mercury, total [as Hg]	DAILY MX	mg/L	.000082	<	.005
01/31/2023	002	Oxygen demand, chem. [high level] [COD]	DAILY AV	lb/d	376.	=	573.
01/31/2023	002	Oxygen demand, chem. [high level] [COD]	DAILY MX	lb/d	563.	=	667.

02/28/2023	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0657
02/28/2023	002	Chromium, hexavalent [as Cr]	DAILY MX	mg/L	.0279	=	.21033
02/28/2023	002	Nickel, total [as Ni]	DAILY AV	mg/L	.1	=	.277
02/28/2023	002	Oxygen demand, chem. [high level] [COD]	DAILY MX	lb/d	563.	=	811.
02/28/2023	101	E. coli	DAILY AV	CFU/100mL	63.	=	421.
02/28/2023	101	E. coli	DAILY MX	CFU/100mL	197.	=	866.4
02/28/2023	201	E. coli	DAILY AV	CFU/100mL	63.	=	295.53
02/28/2023	201	E. coli	DAILY MX	CFU/100mL	197.	=	770.
02/28/2023	301	E. coli	DAILY AV	CFU/100mL	63.	=	254.75
02/28/2023	301	E. coli	DAILY MX	CFU/100mL	197.	=	649.
03/31/2023	002	Chromium, hexavalent [as Cr]	DAILY AV	mg/L	.0132	=	.0163
03/31/2023	002	Chromium, hexavalent [as Cr]	DAILY MX	mg/L	.0279	=	.029
03/31/2023	002	Oxygen demand, chem. [high level] [COD]	DAILY AV	lb/d	376.	=	382.

ATTACHMENT C

Wyman - Gordon Forgings Inc. - TX0042129

Missing DMR Sample Results

Monitoring Period	Outfall	Parameter	Statistical Base	Units	Permit Limit	DMR Value	Violation Code
11/30/2022	002	Aluminum, total [as Al]	DAILY AV	mg/L	.834		D90
11/30/2022	002	Aluminum, total [as Al]	DAILY MX	mg/L	1.77		D90
11/30/2022	002	Chromium, total [as Cr]	DAILY AV	mg/L	.068		D90
11/30/2022	002	Chromium, total [as Cr]	DAILY MX	mg/L	.143		D90
11/30/2022	002	Copper, total [as Cu]	DAILY AV	mg/L	.0161		D90
11/30/2022	002	Copper, total [as Cu]	DAILY MX	mg/L	.034		D90
11/30/2022	002	Cyanide, total [as CN]	DAILY AV	mg/L	.012		D90
11/30/2022	002	Cyanide, total [as CN]	DAILY MX	mg/L	.026		D90
11/30/2022	002	Fluoride, total [as F]	DAILY AV	mg/L	1.59		D90
11/30/2022	002	Fluoride, total [as F]	DAILY MX	mg/L	3.22		D90
11/30/2022	002	Lead, total [as Pb]	DAILY AV	mg/L	.00835		D90
11/30/2022	002	Lead, total [as Pb]	DAILY MX	mg/L	.0177		D90
11/30/2022	002	Manganese, total [as Mn]	DAILY MX	mg/L	2.		D90
11/30/2022	002	Mercury, total [as Hg]	DAILY AV	mg/L	.000039		D90
11/30/2022	002	Mercury, total [as Hg]	DAILY MX	mg/L	.000082		D90
11/30/2022	002	Nickel, total [as Ni]	DAILY AV	mg/L	.1		D90
11/30/2022	002	Nickel, total [as Ni]	DAILY MX	mg/L	.3		D90
11/30/2022	002	Silver, total [as Ag]	DAILY AV	mg/L	.0022		D90
11/30/2022	002	Silver, total [as Ag]	DAILY MX	mg/L	.005		D90
11/30/2022	002	Zinc, total [as Zn]	DAILY AV	mg/L	.145		D90
11/30/2022	002	Zinc, total [as Zn]	DAILY MX	mg/L	.307		D90
02/28/2023	101	Solids, total suspended	DAILY MX	mg/L	65.		D90
02/28/2023	201	Solids, total suspended	DAILY MX	mg/L	65.		D90
02/28/2023	301	Solids, total suspended	DAILY MX	mg/L	65.		D90