



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901**

Sept 27, 2005

Certified Mail 7000 0520 0025 3711 7976

RETURN RECEIPT REQUESTED

In Reply Refer To: CWA-307-9-05-088

Tony Charles, Plant Manager
Oakley, Inc.
95 Lakes Blvd.
Dayton, Nevada 89403

**Re: Finding of Violation and Administrative Order
Follow-up To the June 28, 2005 EPA Wastewater Inspection**

Dear Mr. Charles:

In our August 11, 2005 inspection report, we raised a number of concerns regarding the untreated and unregulated nature of the process wastewater discharges from Oakley, Inc. to the Lyon County sewers. Previous to our inspection report, Lyon County documented a number of adverse impacts traceable to Oakley, Inc., including the release of hydrocarbon fumes from the sewers and cloudy white suspensions in the County wastewater treatment ponds.

This Administrative Order is a follow-up to our inspection report. This Order establishes limitations and self-monitoring requirements that are expected to remain in effect until Lyon County obtains approval to run its own pretreatment program. At that time, Lyon County would issue its own permit to Oakley, Inc. establishing these or similar limitations and self-monitoring requirements. The key dates are as follows:

KEY DATES	ADMINISTRATIVE ORDER CWA-307-9-05-088
10/28/05	1 Complete corrective actions to control toxic organics fume releases 2 Submit corrective action plan to control suspended solids, oil and grease 4 Submit in-plant sewer line survey
12/28/05	3 Complete corrective actions to control suspended solids, oil & grease 5 Submit plan to install sampling station(s) just for non-domestic flows
03/28/06	6 Complete installation of sampling station(s)
11/01/05	7-11 Begin self-monitoring under this Order Periodic for conventionals, flammability, OG, salts, metals, nutrients Continuous monitoring at the sampling station(s) for pH, EC, flow
12/31/06	End self-monitoring under this Administrative Order.
* * *	Self-monitoring reports are due on the 28 th day of each month for the samples collected during the previous month.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of)	
)	
Oakley, Inc.)	FINDING OF VIOLATION
Dayton, Nevada)	
)	AND ORDER
Proceedings under Section 308(a) and 309(a)(3),)	
(a)(4) and (a)(5)(A) of the Clean Water Act, as)	Docket No. CWA-307-9-05-088
amended, 33 U.S.C. Section 1318(a) and)	
1319(a)(3), (a)(4) and (a)(5)(A))	

STATUTORY AUTHORITY

The following Finding of Violation and Order (Docket No. CWA-307-9-05-088) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) pursuant to Sections 308(a) and 309(a)(3), (a)(4), and (a)(5)(A) of the Clean Water Act [33 U.S.C. § 1318(a) and 1319(a)(3), (a)(4), and (a)(5)(A)] (hereinafter “the Act”). This authority has been delegated by the Administrator and the Regional Administrator of EPA Region 9 to the Director of the Water Division of EPA Region 9.

FINDING OF VIOLATION

The Director of the Water Division of EPA Region 9 finds that Oakley, Inc., in Dayton, Nevada, is in violation of Section 307(d) of the Act [33 U.S.C. § 1317(d)]. This Finding is made on the basis of the following facts.

1. Section 307(d) of the Act [33 U.S.C. § 1317(d)] prohibits any owner or operator of any source from introducing pollutants into publicly owned treatment works (“POTWs”) in violation of any effluent standard or prohibition or pretreatment standard promulgated under Section 307 of the Act:

