



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

Jan 5, 2011

Certified Mail 7004 2510 0006 9180 4346  
RETURN RECEIPT REQUESTED

In Reply Refer To: CWA-309(a)-11-004

Mr. Bernard Kerper  
Owner  
Anaplex Corporation  
15547 S. Garfield Ave.  
Paramount, California 90723

Dear Mr. Kerper:

The enclosed Finding of Violation and Order addresses Anaplex Corporation's ("Anaplex's") violations of national pretreatment standards at the Paramount, CA facility. These standards, including the federal categorical standard for metal finishers, apply to the facility's wastewater discharges into Los Angeles County Sanitation Districts' (LACSD's) sewer system and the Joint Water Pollution Control Plant.

The Administrative Order ("Order"), which is a part of the enclosed document, requires that Anaplex comply with the federal monitoring requirements for cyanide, install and start up an effective treatment system to achieve consistent compliance with the federal categorical metal finishing pretreatment standard, and conduct self-monitoring for one year.

EPA is aware of the requirements that LACSD imposed on Anaplex as a result of the October 6, 2010 compliance meeting. This Order does not relieve Anaplex of its duty to comply with the requirements and deadlines established by LACSD.

Following are the key milestones and associated deadline dates of the Order:

<b>Item No. in the Order</b>	<b>Requirement</b>	<b>Deadline Date</b>
1	Submit updated floor plans and self-monitoring data, per the request for information.	1/31/11
2	Submit a description of the steps Anaplex will take to comply with federal cyanide monitoring requirements.	1/31/11
2a	Complete the steps to provide a cyanide compliance sample point and submit notice of completion (if applicable).	2/15/11

3, 4	Submit a preliminary engineering plan for providing effective treatment for metals and cyanide. Submit a preliminary cost estimate.	2/15/10
5	Submit notice of construction for the proposed treatment system.	Upon commencement of construction
6	Complete installation and startup of the proposed system. Submit notice of completion.	3/31/11
7-12	Begin one year of self-monitoring under this Order.	2/1/11
7-12	End self-monitoring under this Order.	1/31/12

The enclosed Finding of Violation and Order is issued pursuant to Sections 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Clean Water Act (“the Act”) as amended [33 U.S.C. § 1318(a) and 1319(a)(3), (a)(4), and (a)(5)(A)]. Any violation of the terms of this Order or pretreatment standards could subject Anaplex to a civil action for appropriate relief pursuant to Section 309(b) of the Act [33 U.S.C. § 1319(b)] and/or penalties under Section 309(d) of the Act [33 U.S.C. § 1319(d)] of up to \$32,500 per day of violation for violations occurring between March 15, 2004 and January 12, 2009, and up to \$37,500 per day of violation for violations occurring after January 12, 2009. In addition, under Section 309(g) of the Act [33 U.S.C. § 1319(g)], any violation of the pretreatment standards could subject Anaplex to an administrative penalty action of up to \$11,000 per day of violation, not to exceed \$157,500, if it occurred between March 15, 2004 and January 12, 2009. For violations occurring after January 12, 2009, Anaplex may be subjected to an administrative penalty of up to \$16,000 per day per violation, not to exceed \$177,500. Sections 309(c)(1), (c)(2), and (c)(4) of the Act [33 U.S.C. § 1319(c)(1), (c)(2), and (c)(4)] also provide penalties for negligent violations, knowing violations, and knowingly making false statements.

If you have any questions regarding this matter, please contact Anna Yen of my staff at (415) 972-3976 or at [yen.anna@epa.gov](mailto:yen.anna@epa.gov).

Sincerely,  
<Original  
signed by>

Alexis Strauss  
Director, Water Division

Enclosure

cc: Rob Wienke, Sanitation Districts of Los Angeles County  
Brandi Outwin-Beals, Los Angeles County Regional Water Quality Control Board  
Leo Sarmiento, State Water Resources Control Board (by e-mail)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In the Matter of	)	
	)	
Anaplex Corporation	)	FINDING OF VIOLATION
Paramount, California	)	
	)	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-309(a)-11-004
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-309(a)-11-004) 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 Anaplex Corporation (“Anaplex”) in Paramount, California, is in violation of Section 307(d) of the Act [33 U.S.C. § 1317(d)]. This Finding is based on 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.

2. Under Section 307(b) of the Act [33 U.S.C. § 1317(b)], EPA promulgated the following general pretreatment regulations:
  - a. The federal categorical pretreatment standards for metal finishing in 40 CFR 433 which require metal finishers that perform electroplating, anodizing, chemical coating, or chemical etching to comply with the standards for cadmium, chromium, copper, lead, nickel, silver, zinc, total or amenable cyanide, and total toxic organics, which are listed in 40 CFR 433.17 for New Sources;
  - b. The national pretreatment standards in 40 CFR 403.12(e) and (g) for industrial dischargers into POTWs which require categorical industrial users to submit, at least twice per year, periodic reports of sampling that is representative of the discharge to the sewers and indicate both the concentration of the discharge for all federally-regulated parameters and the flowrate of the discharge.
  - c. The definitions in 40 CFR 403.3 including the following term:
    - i. The term, Pretreatment Standard, means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act, [33 U.S.C. § 1317(b) and (c)], including the specific prohibitions and local limits established pursuant to 40 CFR 403.5(b) and (d).
3. Anaplex is a corporation and, therefore, a person within the meaning of Section 502(5) of the Act [33 U.S.C. § 1362(5)]. Anaplex is a non-domestic wastewater source in Paramount, California. Anaplex introduces pollutants within the meaning of Section 502(6) of the Act [33 U.S.C. § 1362(6)] into the Sanitation Districts of Los Angeles County (LACSD) domestic sewer system and the Joint Water Pollution Control Plant,

which is a POTW within the meaning of Section 307(b) of the Act and the pretreatment regulation in 40 CFR 403.3(q). Anaplex is therefore subject to the provisions of the Act [33 U.S.C. § 1251 et seq., including Section 307, 33 U.S.C. § 1317] including Pretreatment Standards as that term is described above.

4. On August 25, 2010, inspectors representing EPA and LACSD conducted an industrial user inspection of Anaplex:
  - a. Facility Description: Anaplex owns and operates a job-shop metal finishing facility at 15547 S. Garfield Avenue in Paramount, California:
    - i. The facility generates, for discharge to the sewers, wastewater from dragout and rinses of plating, anodizing, chemical coating, and chemical etching operations.
    - ii. Operations at this facility began in 1961, and the current owner bought it in 1992. The facility was fire-damaged in 2007 and was subsequently rebuilt. Construction commenced after August 31, 1982;
    - iii. Anaplex is a job shop because it does not own more than 50% of the materials undergoing metal finishing;
    - iv. LACSD issued an Industrial Wastewater Discharge Permit (“IWD Permit”; Permit No. 013078) to Anaplex, authorizing the discharge of treated wastewaters through one connection to the sewer system;
  - b. Wastewater Discharges to the Sewer: Anaplex discharges process-related wastewaters into the domestic sewers feeding into the Joint Water Pollution Control Plant for discharge into the Pacific Ocean:

- i. The metal finishing lines generate metal finishing spents, rinses, and tank bottom sludges;
  - ii. The process-related wastewaters from Anaplex discharge through a single connection to the sewer system;
  - iii. Treatment of the process-related wastewaters includes pH neutralization followed by settling in two underground clarifiers.
  - iv. The discharges of process-related wastewater to the sewers are monitored at a sample box located immediately downstream of the underground clarifiers. This compliance sample point is hereinafter referred to as compliance sample point 013078A, as labeled in Anaplex's IWD Permit.
- c. Categorical Standards: The federal categorical pretreatment standards in 40 CFR 433 for new source metal finishing operations apply to process-related wastewater discharges from Anaplex.
- i. 40 CFR 433 Applicability: Because Anaplex performs the core metal finishing operations of electroplating, electroless plating, anodizing, chemical coating, and chemical etching, and because construction to rebuild the facility commenced after August 31, 1982, Anaplex is subject to the federal metal finishing standards in 40 CFR 433 as a new source. The federal categorical pretreatment standards in 40 CFR 433 apply to all process wastewaters from the core operations as well as from any associated auxiliary operation, such as cleaning, as specifically listed in 40 CFR 433.10(a);

- ii. The following table contains Anaplex's IWD permit limits, which are based on the federal categorical pretreatment limits in 40 CFR 433.17 but slightly adjusted to account for dilution flows from the water-cooled rectifiers. These limits apply to the discharges from Anaplex at compliance sample point 013078A. This final compliance sample point accounts for all process-related wastewater discharges to the sewer system:

<b>Pollutants</b>		<b>Maximum for any 1 day</b>	<b>Monthly average shall not exceed</b>
		(mg/l)	(mg/l)
Cd	Cadmium	0.11	0.07
Cr	Chromium	2.76	1.70
Cu	Copper	3.37	2.06
Pb	Lead	0.69	0.43
Ni	Nickel	3.97	2.37
Ag	Silver	0.43	0.24
Zn	Zinc	2.60	1.48
CN (T)	Total cyanide	1.20	0.65
TTO	Total toxic organics	2.12	--

5. Anaplex has not complied with Section 307(d) of the Act and with the monitoring requirements of 40 CFR 433.
- a. Upon review of LACSD's compliance monitoring data record for Anaplex, for samples taken at compliance sample point 013078A for the period of October 2007 through April 2010, EPA determined that Anaplex violated federal

standards in 40 CFR 433 on at least twenty-three occasions and local limits on at least one occasion, as summarized below:

Date	Pollutant	Measured Value (mg/L)	Federal 40 CFR 433 Limits which the Measured Value Exceeds		No. Days in Violation*
			Daily (mg/L)	Monthly (mg/L)	
Oct 2007	Cr	1.74		1.70	31
Jan 2008	Cd	0.079		0.07	31
Oct 2008	Cr	1.89		1.70	31
Dec 2008	Cd	0.072		0.07	31
Feb 2009	Cr	2.19		1.70	28
Mar 2009	Cd	0.339	0.11	0.07	31
	Cr	57.3	2.76	1.70	31
	Ni	5.58	3.97	2.37	31
Apr 2009	Cr	4.59 (and 1.49)	2.76	1.70	30
May 2009	Zn	6.0 (and 0.170)	2.60	1.48	31
Aug 2009	Cr	8.72	2.76	1.70	31
Sept 2009	Cr	5.42	2.76	1.70	30
Feb 2010	Cd	0.73 (and 0.089)	0.11	0.07	28
	Ni	10.2 (and 0.1)	3.97	2.37	28

\* For this table summary, multiple violations on the same day for a particular pollutant are counted as one day of violation.



Date	Pollutant	Measured Value (mg/L)	LACSD Local Limit which the Measured Value Exceeds		No. Days in Violation
			At any time max. (mg/L)		
Mar 2009	Cr	57.3	10.0		1

- b. The metal finishing categorical standard at 40 CFR 433 requires that cyanide be monitored after cyanide treatment and before dilution by other streams unless the facility's limitations have been adjusted to compensate for dilution flows. Anaplex's IWD permit limits do not compensate for dilution flows in this regard; therefore, Anaplex has failed to monitor properly for cyanide.
- i. The facility's plating operations involving cyanide occur in a contained area, separated by berms from non-cyanide-bearing wastewaters originating from other process operations in the plating building. Any wastewater that collects within the cyanide containment area is pumped out and hauled away for offsite disposal.
- ii. Anaplex's rinse process for parts that have been immersed in cyanide plating solutions occurs first in a static rinse tank followed by a flowing rinse tank.
- iii. The flowing rinse tank is located outside of the cyanide containment area. Cyanide-bearing rinse waters discharge from this tank and combine with non-cyanide-bearing wastewaters originating from other process operations in the plating building. These wastewaters then combine with non-cyanide-bearing wastewaters from the anodize building in one

discharge pipe that leads to the onsite wastewater treatment system, compliance sample point 013078A, and ultimately to the local sewer system.

- iv. Since Anaplex only has one compliance sample point, 013078A, and since Anaplex is discharging cyanide-bearing rinse waters which have combined with other wastewater streams to this sample point, Anaplex is monitoring for cyanide after dilution by other streams. Therefore, Anaplex has failed to comply with the federal monitoring requirement for cyanide.

- 6. EPA's December 20, 2010 report on its August 25, 2010 inspection of Anaplex is, by reference, made part of this Finding of Violation and Order.

## **ADMINISTRATIVE ORDER**

Considering the foregoing Finding of Violation, the potential environmental and human health effects of the violations, and all good faith efforts to comply, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to Section 308(a) and 309(a)(3), (a)(4) and (a)(5)(A) of the Act [33 U.S.C. § 1318(a) and 1319(a)(3), (a)(4) and (a)(5)(A)], IT IS HEREBY ORDERED that Anaplex comply with the following requirements:

### *Information Requirements*

1. By **JANUARY 31, 2011**, Anaplex shall submit the following information:
  - a. Short response to each of the findings in Section 3.0 of EPA's December 20, 2010 inspection report.
  - b. Updated floor plans – engineering drawings showing the floor plan layout of current equipment and processes. Include location of floor drains and indicate destination of wastewater entering each floor drain.
  - c. Self-monitoring data showing compliance or noncompliance with numeric limits in the IWD Permit for the period January 1, 2006 through December 31, 2007 and for the period January 1, 2010 through December 31, 2010.

### *Compliance Sample Point for Cyanide*

2. By **JANUARY 31, 2011**, Anaplex shall submit a description of the steps it will take to comply with the cyanide monitoring requirements in 40 CFR 433 such that cyanide is monitored after cyanide treatment and before dilution by other streams. The description shall include a listing of all cyanide-bearing process wastewater streams and the source of

the cyanide in these streams (e.g., the specific process tank). Include process tank identifier numbers where applicable.

- a. If Anaplex's proposal for Item 3 of this Order involves discharge of cyanide-bearing wastewater to the local sewer system through its permitted point of connection to the sewer, then Anaplex shall also comply with the following:
  - i. In the submitted description, Anaplex shall include a diagram illustrating the location of the cyanide compliance sample point and an explanation of how the cyanide compliance sample point complies with the requirements in Items 2.a.ii.(a)-(d) of this Order.
  - ii. By **FEBRUARY 15, 2011**, Anaplex shall complete the steps necessary to provide a compliance sample point for cyanide-bearing wastewaters, and submit a notice of completion. The cyanide compliance sample point shall meet the following requirements:
    - (a.) be located after cyanide treatment and before dilution by other streams;
    - (b.) account for all process-related cyanide-bearing wastewater discharges to the sewers;
    - (c.) be readily accessible by Anaplex staff and by LACSD, State, and Federal inspectors;
    - (d.) be a point at which sampling is representative of all process-related cyanide-bearing wastewater discharges to the sewers over the reporting period.

- b. If Anaplex's proposal for Item 3 of this Order involves discharge of cyanide-bearing wastewater to the local sewer system through its permitted point of connection to the sewer, Anaplex may, as an alternative to Item 2a. of this Order, sample the final effluent at its compliance sample point 013078A, provided that LACSD gives Anaplex approval for this approach and that LACSD calculates adjusted limits per 40 CFR 403.6(e) which are above the analytical detection limit for cyanide. For this alternative, by **FEBRUARY 15, 2011**, Anaplex shall also submit:
  - i. A signed letter from LACSD stating LACSD's approval of this approach for demonstrating compliance with the applicable cyanide limits in 40 CFR 433.
  - ii. A listing of all process wastewater streams which comprise the wastewater at the compliance sample point 013078A and a breakdown into cyanide-bearing process wastewater streams and non-cyanide-bearing process wastewater streams. The listing of process wastewater streams shall also include the average daily flows (at least 30-day averages) of each stream, a detailed explanation of how each flowrate was derived, and any other information that LACSD requests of Anaplex to enable LACSD to calculate the adjusted cyanide limits properly.
- c. If Anaplex's proposal for Item 3 of this Order does not involve discharge of cyanide-bearing wastewater to the local sewer system through its permitted point of connection to the sewer, Anaplex shall also include in its description:

an explanation of the method and the frequency by which Anaplex is planning to dispose of all cyanide-bearing wastewater streams, along with an accompanying diagram of the floor/tank layout for the bermed cyanide containment area.

*Treatment for Metals and Cyanide*

3. By **FEBRUARY 15, 2011**, Anaplex shall submit a preliminary engineering plan of the steps to be taken to provide effective treatment for metals and cyanide such that Anaplex consistently complies with applicable pollutant limits in 40 CFR 433.
  - a. The preliminary engineering plan shall include the design of a proposed system that will be installed and operated to achieve consistent compliance with applicable Pretreatment Standards including federal categorical pretreatment standards:
    - i. The proposed system means the entire treatment system, including existing, modified, and new components, that Anaplex will use to achieve consistent compliance with the federal categorical pretreatment standards. Components include, but are not limited to, equipment, hardware, monitoring, instrumentation and telemetry.
    - ii. Submittal of the design of the proposed system shall include the following:
      - (a.) A written explanation of the design and operation of the proposed system, including any chemicals to be added;
      - (b.) A schematic of the proposed system, with all components labeled.

- b. The preliminary engineering plan shall also include a schedule of construction which results in completion of installation and startup of the proposed system no later than March 31, 2011.
4. Concurrent with the submittal of the preliminary engineering plan of Item 3 of this Order, Anaplex shall submit a preliminary cost estimate of the steps that will be taken to provide effective treatment for metals and cyanide, as addressed in Item 3 of this Order. The cost estimate shall include major line items and shall provide enough details to identify costs for each of the following (if applicable): (i.) new treatment system components, and (ii.) modifications to the existing treatment system. In addition, the cost estimate shall break costs down into capital costs, installation costs, and operation and maintenance (O&M) costs. O&M costs shall include costs of labor, power, water, raw materials and supplies, and recurring training of employees.
5. Anaplex shall submit a notice of construction upon commencement of construction of the proposed system.
6. By **MARCH 31, 2011**, Anaplex shall complete installation and startup of the proposed system to consistently comply with metal finishing pretreatment standards, as required by Item 3 of this Order, and Anaplex shall submit a notice of completion.

*Self-Monitoring Requirements*

7. From **FEBRUARY 1, 2011 THROUGH JANUARY 31, 2012**, Anaplex shall self-monitor the process-related wastewater discharges at compliance sample point 013078A and at the cyanide compliance sample point established as a result of Item 2 of this Order if applicable.

- a. **ONCE EVERY MONTH**, Anaplex shall self-monitor the process-related wastewater discharges to the sewers for discharge flowrate, cadmium, chromium, copper, lead, nickel, silver, zinc, and total cyanide;
  - b. **ONCE EVERY QUARTER**, Anaplex shall self-monitor the process-related wastewater discharges to the sewers for oil and grease;
  - c. **ONCE EVERY SIX MONTHS**, Anaplex shall self-monitor the process-related wastewater discharges to the sewers for total toxic organics;
  - d. **CONTINUOUSLY**, Anaplex shall self-monitor the process-related wastewater discharges to the sewers for pH.
8. pH Self-Monitoring Summaries: **ONCE EACH MONTH**, Anaplex shall prepare summaries of the pH self-monitoring required by Item 7d of this Order for compliance sample point 013078A as follows:
- a. The number of minutes each day in which the pH is below 2.0;
  - b. The number of minutes each day in which the pH is below 5.0;
  - c. The number of minutes each day in which the pH is below 6.0;
  - d. The number of minutes each day in which the pH is above 12.5.
9. Anaplex shall self-monitor and analyze using the sampling protocols listed below and the EPA-approved analytical methods (or equivalent) necessary to achieve detection limits no greater than those indicated below:

Parameters and Pollutants	Sampling Protocols	Detection Limits no greater than:
Cadmium	24-hour composite*	10 µg/l
Chromium	24-hour composite*	10 µg/l
Copper	24-hour composite*	10 µg/l
Lead	24-hour composite*	10 µg/l



Nickel	24-hour composite*	10 µg/l
Silver	24-hour composite*	10 µg/l
Zinc	24-hour composite*	10 µg/l
Cyanide	24-hour manual composite grabs	10 µg/l
Total toxic organics	Grab	10 µg/l
Oil and grease – petroleum	Grab	1 mg/l
Discharge flowrate	Unspecified	--

\* 24-hour composites may be replaced by grabs if the discharge is from a once-per-day batch discharge.

10. The total toxic organics self-monitoring required by Item 7c may be replaced by self-certifications, after approval by EPA of a toxic organics management plan as provided for in 40 CFR 433.12(a).

#### *Submittals*

11. By the **TWENTY-EIGHTH (28<sup>th</sup>) DAY OF EACH MONTH**, Anaplex shall submit all self-monitoring results for the previous month and previous self-monitoring period, as applicable. The first monthly report is due on March 28, 2011 for the February 2011 self-monitoring. The 12<sup>th</sup>-and-last monthly report is due on February 28, 2012 for the January 2012 self-monitoring. Similarly, the first quarterly report is due on May 28, 2011 for the first quarter of self-monitoring. And the first six-month report is due on August 28, 2011 for the first six-month period of self-monitoring.
12. For each sample, Anaplex shall record and submit to EPA the following:
  - a. the sample results, including an indication when a result is out of compliance with applicable limits in the Pretreatment Standards;
  - b. the EPA analytical methods used;
  - c. the date, time, location of sampling, and sample point;

- d. the type of sample (i.e., 24-hour composite, grab, or manual composite);
  - e. a listing of discharged wastewaters accounted for by the sample (e.g., rinse water from which process);
  - f. the name of the laboratory used; and
  - g. self-certifications in lieu of self-monitoring as allowed by Item 10 of this Order.
13. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Anaplex and shall include the following statement:

I 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 who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that all wastewater samples analyzed and reported herein are representative of the ordinary process wastewater flow from this facility. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

14. All submittals shall be mailed to the following addresses:

U.S. ENVIRONMENTAL PROTECTION AGENCY, Region 9  
75 Hawthorne Street  
San Francisco, California 94105  
Attn: Anna Yen (WTR-7)

SANITATION DISTRICTS OF LOS ANGELES COUNTY  
Industrial Waste Section  
1955 Workman Mill Road  
Whittier, CA 90601  
Attn: Rob Wienke

LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013  
Attn: Brandi Outwin-Beals

*General Provisions*

15. This Order shall be binding upon Anaplex and its officers, directors, agents, employees, contractors, heirs, successors, and assigns.
16. This Order is not and shall not be interpreted to be a National Pollutant Discharge Elimination System permit under Section 402 of the Act, [33 U.S.C. § 1342], nor an LACSD or Regional Water Quality Control Board sewer discharge permit under 40 CFR 403.8(f)(1)(iii). In addition, this Order shall not in any way extinguish, waive, satisfy, or otherwise affect Anaplex's obligation to comply with the Act or its regulations, as well as any other Federal, State or local law.
17. This order is not deemed an election by EPA to forgo any remedies available to it under the law, including without limitation, any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act. EPA reserves all rights and remedies, legal and equitable, available to enforce any violations cited in this Order and to enforce this Order.
18. Requests for information contained with this Order are not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not "collection of information" within the meaning of 44 U.S.C. § 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. § 3518(c)(1) and 5 CFR 1320.4(a)(2).
19. Respondent may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 CFR Part 2, Subpart B, regulations to protect confidential business information it receives. If legally supportable, a claim of business confidentiality may be asserted in the manner

specified by 40 CFR 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized under 40 CFR Part 2, Subpart B. If no claim of business confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

20. Section 309(a), (b), (d), and (g) of the Act, 33 U.S.C. § 1319(a), (b), (d), and (g), provides administrative and/or judicial relief for failure to comply with the CWA. In addition, Section 309(c) of the Act, 33 U.S.C. § 1319(c), provides criminal sanctions for negligent or knowing violations of the CWA and for knowingly making false statements.
21. This Order takes effect upon the date of receipt by Anaplex.

**5 January 2011**

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Date

**<Original signed by>**

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Alexis Strauss  
Director, Water Division