



**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 <sup>th</sup> day of each month for the samples collected during the previous month.

Any self-monitoring under this Order or a future County permit requires establishment of sampling point(s) that account for all non-domestic wastewater discharges to the exclusion of domestic sewage contributions. The installation of sampling station(s) under this Order may also cause changes in wastewater collection and delivery, such as the installation of sump pumps and overhead delivery lines, and the closure of floor drains. Self-monitoring costs are minimized if one comprehensive sampling station can account for all non-domestic flows.

Finally, compliance with the national prohibitions and the local limits expected in a future Lyon County permit at a minimum would require control of the toxic organics, suspended solids, and oil and grease discharges to the sewers. As a result, this Order requires Oakley, Inc. to implement controls over the discharges of wax pattern etching wastes, ceramic slurries, spent waxes, and vibratory deburring washdown.

This Finding of Violation and Administrative 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 Oakley, Inc. 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 \$31,500 per day of violation. In addition, under Section 309(g) of the Act [33 U.S.C. § 1319(g)], any violation of the pretreatment standards could also subject Oakley, Inc. to an administrative penalty action of up to \$12,000 per day of violation not to exceed \$157,000. 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 Greg V. Arthur of my staff at (415) 972-3504 or at [arthur.greg@epa.gov](mailto:arthur.greg@epa.gov).

Sincerely,

*Original signed by:*  
*Alexis Strauss*

Alexis Strauss  
Director, Water Division

Enclosure

cc: Skeet Sellers, Lyon County  
Joseph Maez, NDEP

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:

2. Under Section 307(b) of the Act [33 U.S.C. § 1317(b)], EPA promulgated the following general pretreatment regulations:
  - a. The national pretreatment standards in 40 CFR 403.5(b)(7) for all industrial dischargers into POTWs nationwide, which prohibit the introduction of pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  - b. The definitions in 40 CFR 403.3 of the term, Pretreatment Standards, which 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 established pursuant to 40 CFR 403.5(b).
3. Oakley, Inc. is a corporation and therefore a person within the meaning of Section 502(5) of the Act, [33 U.S.C. § 1362(5)]. Oakley, Inc. is a non-domestic wastewater source in Dayton, Nevada. Oakley, Inc. introduces pollutants within the meaning of Section 502(6) of the Act [33 U.S.C. § 1362(6)], into the Lyon County, South Dayton Valley domestic sewer system and wastewater treatment plant, which is a POTW within the meaning of Section 307(b) and the pretreatment regulation in 40 CFR 304.3(o), because the wastewater treatment plant treats mixed domestic and non-domestic wastewaters and its sludges are regulated under the Clean Water Act by the Federal regulations in 40 CFR 503. Oakley, Inc. is therefore subject to the provision of the Act, [33 U.S.C. § 1251 et seq., including Section 307, 33 U.S.C. § 1317].
4. On June 28, 2005, an EPA inspector, State of Nevada inspectors, and representatives of Lyon County conducted a compliance evaluation inspection of Oakley, Inc.:

- a. Facility Description: Oakley, Inc. owns and operates a titanium eyeglass frames manufacturing plant at 95 Lakes Blvd. in Dayton, Nevada:
- i. It operates as an industrial tenants of the Dayton Valley Business Park;
  - ii. The on-site operations involve titanium alloy investment casting, parts assembly, and packaging, as well as the support operations such as facilities maintenance, waste materials handling, water supply preconditioning, fume scrubbing, and cooling;
  - iii. The titanium investment casting process on-site consists of wax melting, wax pattern injection molding, wax pattern etching, ceramic shell coating of the wax patterns, ceramic mold curing, wax removal, titanium billet pre-heating, titanium electric-arc furnace melting and casting, and titanium cast cooling;
  - iv. The titanium casts are finished on-site through hammering to remove the ceramic shell, sawing to remove risers, sand blasting, grinding, screw hole tapping, vibratory deburring, and bead finish blasting;
  - v. The on-site operations do not involve any surface finishing steps such as electroplating, electroless plating, conversion coating, chemical etching, or anodizing;
  - vi. The on-site operations generate the non-domestic process wastewaters of zamboni mop water, spent wax pattern etchant, spent wax etch rinses, spent wax surfactant coating, ceramic slurry kettle washdown, steam jet washdown, autoclave boiler blowdown, fume scrubber blowdown, and

vibratory deburring washdown, all of which discharge to the Lyon County domestic sewer systems;

- vii. The spent wax pattern etchant consists of aromatic hydrocarbons, ethyl glycol monobutylether (2-butoxyethanol), emulsifiers and dispersants, as well as etched wax;
- viii. The ceramic slurries consist of zircon silicate solids, binders, and could include ammonia.

b. Wastewater Discharges to the Sewer: Oakley, Inc. discharges process-related wastewaters into the domestic sewers which feed into the Lyon County, South Dayton Valley wastewater treatment plant:

- i. All in-plant sewers for both process-related wastewaters and building domestic sewage converge just outside of the building entrance for discharge through one sewer connection into the Lyon County domestic sewers;
- ii. Process-related wastewaters are collected into in-plant sewers at a number of locations including the transfer room floor sink, the floor drain in the CNC room, the floor drain near the autoclave wax removal autoclaves, and the wet-fume scrubber blowdown floor drain;
- iii. All process-related wastewaters discharge to the sewers untreated;
- iv. There is no sample station designated for compliance self-monitoring, although a sewer clean-out exists at the point where the in-plant sewers converge (designated as the compliance sampling point IWD-OK1 for the purposes of this Order);

- v. The process-related wastewaters discharge to the sewers without self-monitoring for total toxic organics, closed-cup flashpoint, total suspended solids, specific conductivity, pH, oil and grease, nutrients, salts, toxic metals, BOD, and discharge flow rate;
  - vi. Lyon County also does not monitor the process-related wastewater discharges to the sewer from the sewer clean-out serving as the compliance sampling point, IWD-OK1.
- c. Pretreatment Standards: The following national prohibitions apply to the discharges to the Lyon County sewers from Oakley, Inc:

Regulated Parameters and Pollutants *	National Prohibitions (Instantaneous-Maximums)	
	Specific	Narrative Prohibitions
pH minimum	<5.0 s.u.	against pollutants which will cause corrosive structural damage
closed-cup flashpoint	<140°F	against pollutants which create a fire or explosion hazard
total toxic organics	-	against toxic gases, vapors or fumes in the POTW in a quantity that may cause acute worker health and safety problems
oil & grease	-	against solid or viscous pollutants in amounts which will cause obstruction

\* Lyon County has not as of yet set local limits protecting its treatment works from the pass-through or interference from other pollutants including toxic metals, biochemical oxygen demand, toxic organics, or oil & grease.

5. Oakley, Inc. violated Section 307(d) of the Act [33 U.S.C. § 1317(d)] in that:
- a. Lyon County's sampling of its Dayton Valley Business Park sewers detected the presence of 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and isopropylbenzene, downstream, but not upstream, of the discharges from Oakley, Inc., indicating that these pollutants were introduced by Oakley, Inc.:

Lyon County sample results pertaining to discharges of wastewater from Oakley, Inc. ①		
sample date / type	sampling location ②	pertinent sampling results
12/09/04 - grab	IWD-LS#3	1,2,4-trimethylbenzene – 1090 µg/l 1,3,5-trimethylbenzene – 488 µg/l isopropylbenzene – 238 µg/l
05/23/05 - grab	IWD-MN#3	1,2,4-trimethylbenzene – 960 µg/l 1,3,5-trimethylbenzene – 388 µg/l isopropylbenzene – 242 µg/l
06/01/05 - grab	IWD-MN#3	1,2,4-trimethylbenzene – 134 µg/l 1,3,5-trimethylbenzene – 56.8 µg/l isopropylbenzene – 26.2 µg/l
06/01/05 - grab	IWD-MN#2	1,2,4-trimethylbenzene – 2660 µg/l 1,3,5-trimethylbenzene – 1450 µg/l isopropylbenzene – 256 µg/l
① All samples on these sampling days (and on all days), collected upstream of Oakley on Lakes Blvd and on Airpark Blvd, were at or near non-detection. ② IWD-LS#3 – Lift station #3 influent into the aeration ponds of the WWTP IWD-MH#3 – Manhole downstream of Oakley and above Airpark Blvd IWD-MH#2 – Manhole downstream of immediately downstream of Oakley		

- b. During the June 28, 2005 inspection, EPA determined the following facts:
- i. Oakley, Inc. uses a wax pattern etchant identified as Remet Pattern Wash, listed in its MSDS sheet to primarily consist of aromatic hydrocarbons (benzenes) and the organic solvent, ethyl glycol monobutyl ether (2-butoxyethanol);
  - ii. Oakley, Inc. discharges to the sewers the spent wax pattern etchant approximately once per quarter and its spent rinses every working day, in accordance with written operating procedures posted near the wax pattern etching station;
  - iii. Lyon County personnel reported that for the past five years they have periodically detected strong hydrocarbon fumes in the sewers, at the lift



station #3 influent into the aeration ponds of the South Dayton wastewater treatment plant, and within the South Dayton wastewater treatment plant;

- c. The NIOSH Guide to Chemical Hazards indicates that 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, isopropylbenzene, and 2-butoxyethanol all pose acute inhalation and contact risks to sewer workers;
  - d. As a result, from December 2004 through June 2005, the discharges of wax pattern etchant from Oakley, Inc. through IWD-OK1 to the Lyon County sewers did not comply with the specific national prohibition in 40 CFR 403.5(b)(7) against the introduction of pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems, on at least 3 occasions resulting in 3 days of violation.
6. The inspection report issued on August 11, 2005 of the June 28, 2005 EPA inspection of Oakley, Inc. is by reference made part of this Finding of Violation and Administrative Order.

### **ADMINISTRATIVE ORDER**

Taking these Findings into consideration and considering 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 Oakley, Inc. comply with the following requirements:

#### *Implementing Pollutant Controls*

1. By **OCTOBER 28, 2005**, Oakley, Inc. shall submit a notice of completion that describes the steps taken to consistently comply with the national prohibition against toxic fumes in the sewers. This notice of completion shall include:
  - a. A detailed description of the design, methods, and procedures used for the wax pattern cleaning process that includes the following:
    - i. The chemical compositions of each solution in use;
    - ii. A written explanation of the standard operating procedures in place;
    - iii. A written explanation of the waste and wastewater collection, delivery, treatment, and disposal practices in use;
    - iv. The volume and rate of waste and wastewater generation;
  - b. A detailed description of all other processes involving the on-site use of aromatic hydrocarbons, solvents, or volatile organics bearing products.
2. By **OCTOBER 28, 2005**, Oakley, Inc. shall submit a preliminary engineering plan of the steps to be taken to control and limit the discharge of ceramic slurries, spent waxes,

vibratory deburring washdown or any other sources of suspended solids or oil and grease.

This preliminary engineering plan shall include the following:

- a. A determination of the corrective actions to be taken in order to control and limit the discharge to the sewers of any sources of suspended solids or oil and grease in order to ensure that Oakley, Inc. cannot cause an obstruction in the sewers or contribute to any ground water permit violations by the South Dayton WWTP;
  - b. A description of the methods and procedures for cleaning the kettles and equipment used for the ammonia-suspended ceramic shell coating slurry;
  - c. A schedule of corrective actions that does not extend past December 28, 2005.
3. By **DECEMBER 28, 2005**, Oakley, Inc. shall complete the corrective actions to control and limit the discharge of ceramic slurries, spent waxes, vibratory deburring washdown or any other sources of suspended solids or oil and grease, as required by item 2 of this Order, and submit a notice of completion.

*Establishing Sampling Station(s)*

4. By **OCTOBER 28, 2005**, Oakley, Inc. shall complete an in-plant sewer line survey that identifies the following on a site map:
- a. The location of all domestic and non-domestic sewer connections;
  - b. The expected wastewater sources into each sewer connection;
  - c. The lay-out of all sewer lines with line diameters; and
  - d. The location of all sumps, pumps, clean-outs, and the Lyon County sewer laterals.
5. By **DECEMBER 28, 2005**, Oakley, Inc. shall submit a preliminary engineering plan to establish dedicated non-domestic sampling station(s) that account for all process-related

non-domestic wastewaters discharged to the sewers. Oakley, Inc. may establish either a single comprehensive sampling station for the entire building or multiple sampling stations. This preliminary engineering plan shall include the following:

- a. A description of how the domestic sewage sources (bathrooms, kitchens, etc.) will be segregated from the non-domestic sources (process-related, non-contact cooling waters, etc.) so that the sampling station(s) account only for process-related non-domestic wastewaters discharged to the sewers;
  - b. A description of the sampling station(s) design which provides for the sampling by discrete grab, automatic composite sampling equipment, and the permanent installation of continuous monitoring for flow, specific conductivity, and pH;
  - c. An site-map of the sewer lines annotated to show the changes proposed in the preliminary engineering plan, including the location of sampling station(s);
  - d. A schedule of corrective actions that does not extend past March 28, 2006.
6. By **MARCH 28, 2006**, Oakley, Inc. shall install the non-domestic sampling station(s), as required by item 5 of this Order, and submit a notice of completion.

*Self-Monitoring Requirements*

7. From **NOVEMBER 1, 2005 through MARCH 31, 2006**, Oakley, Inc. shall self-monitor the wastewater discharges to the sewers at the compliance point designated in this Order as IWD-OK1 in accordance with the following sampling schedule:
- a. **ONCE EVERY WEEK**, Oakley, Inc. shall self-monitor for discharge flow rate, specific conductivity (EC), and pH;

- b. **ONCE EVERY MONTH**, Oakley, Inc. shall self-monitor for closed-cup flashpoint, total suspended solids, petroleum oil and grease, ammonia as nitrogen, nitrates as nitrogen, and total toxic organics (EPA methods 624 and 625).
8. From **APRIL 1, 2006 through DECEMBER 31, 2006**, Oakley, Inc. shall self-monitor the wastewater discharges to the sewers at the sampling station(s) established by items 5 and 6 of this Order in accordance with the following sampling schedule:
- a. **CONTINUOUSLY**, Oakley, Inc. shall self-monitor for discharge flow rate, specific conductivity (EC), and pH;
  - b. **ONCE EVERY MONTH**, Oakley, Inc. shall summarize the continuous pH meter strip charts to reflect the following:
    - i. The number of minutes each day in which the pH is below 2.0;
    - ii. The number of minutes each day in which the pH is below 5.0;
    - iii. The number of minutes each day in which the pH is below 6.5;
    - iv. The number of minutes each day in which the pH is below 8.5;
    - v. The number of minutes each day in which the pH is above 12.5.
  - c. **ONCE EVERY MONTH**, Oakley, Inc. shall self-monitor for closed-cup flashpoint, total suspended solids, petroleum oil and grease, ammonia as nitrogen, nitrates as nitrogen, and total toxic organics (EPA methods 624 and 625);
  - d. **ONCE BY JUNE 28, 2006 and ONCE BY DECEMBER 28, 2006**, Oakley, Inc. shall self-monitor for biochemical oxygen demand, sulfides, chlorides, antimony, arsenic, barium, cadmium, total chromium, copper, lead, mercury, molybdenum, nickel, selenium, silver, and zinc.

9. The monthly self-monitoring required in items 7(b) and 8(c) of this Order shall capture at least twice per year each of the following wastewater discharges to the in-plant sewers:
- a. Spent wax pattern etchant;
  - b. Spent wax pattern etching rinses;
  - c. Ceramic slurry washdown;
  - d. Vibratory deburring tail waters;
  - e. Autoclave jet-wash; and
  - f. Zamboni mop waters.
10. Oakley, Inc. shall self-monitor and analyze using the sampling protocols and EPA approved analytical methods (or equivalent) to achieve the listed detection limits indicated below:

Sampling Protocols		Req'd Detection Limits
TSS	24-hour flow-weighted composite	5 mg/l
oil and grease - petro	24-hour flow-weighted composite	5 mg/l
ammonia as N	24-hour flow-weighted composite	1 mg/l
nitrates as N	24-hour flow-weighted composite	1 mg/l
tox organics (624)	discrete grab	1 µg/l
tox organics (625)	discrete grab	1 µg/l
chlorides	24-hour flow-weighted composite	1 µg/l
sulfides	24-hour flow-weighted composite	1 µg/l
BOD	24-hour flow-weighted composite	1 µg/l
toxic metals *	24-hour flow-weighted composite	1 µg/l
flow rate before 4/1/06	meter reading	-
EC before 4/1/06	discrete grab	-
pH before 4/1/06	discrete grab	0.1 s.u.
flow rate after 4/1/06	continuous meter or meter reading	-
EC after 4/1/06	continuous meter	-
pH after 4/1/06	continuous meter	0.1 s.u.
* arsenic, barium, cadmium, total chromium, copper, lead, mercury, molybdenum, nickel, selenium, silver, zinc		

11. The sewer sampling of the discharges required in items 7, 8 and 9 of this Order shall be representative of the overall discharge to the Lyon County sewers at the compliance sampling point IWD-OK1, or at the sampling station(s) established as required in items 5 and 6 of this Order, unless EPA approves a new sample point or points.

*Submissions*

11. By the **TWENTY-EIGHTH (28<sup>th</sup>) DAY OF EACH MONTH**, Oakley, Inc. shall submit all self-monitoring results for the previous month. The first monthly report is due on December 28, 2005 for the November 2005 self-monitoring. The 14<sup>th</sup>-and-last monthly report is due on January 28, 2007 for the December 2006 self-monitoring.
12. For each sample, Oakley, Inc. shall record the sample results, the EPA analytical methods used, the date, time and location of sampling, the type of sampling (ie. 24-hour composite or grab), and the name of the laboratory used.
13. For each monthly sample required by items 7(b), 8(c), and 9 of this Order, Oakley, Inc. shall record the non-domestic process-related wastewater sources that contributed to the building discharge to the sewers during the sampling day.
14. All reports submitted pursuant to this Order shall be signed by a principal executive officer of Oakley, Inc. 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.

15. All submissions shall be mailed to the following addresses:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
75 Hawthorne Street  
San Francisco, California 94105  
Attn: Greg V. Arthur (WTR-7)

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701  
Attn: Joseph Maez

LYON COUNTY UTILITIES DEPARTMENT  
P.O. Box 1699  
Dayton, Nevada 89403  
Attn: Skeet Sellers

*General Provisions*

16. This Administrative 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 a local industrial user permit under 40 CFR Part 403.8(f)(iii). In addition, this letter shall not in any way extinguish, waive, satisfy, or otherwise affect Oakley, Inc.'s obligation to comply with the Act or its regulations, as well as any other Federal, State or local law, including the sewer use ordinance for Lyon County.
17. The request for information included in this Order is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "collection of information" within the meaning of 44 U.S.C. § 3502(3) and 5 CFR § 1320.5(c) because it is directed to fewer than ten persons. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is an administrative action against a specific entity [44 U.S.C. § 3518(c)(1)(B) and 5 CFR § 1320.4(a)(2)].



18. EPA has promulgated regulations to protect the confidentiality of the business information it receives. These regulations are set forth in 40 CFR Part 2, Subpart B and in the Federal Register at 41 F.R. 36902 (9/1/1976) and 43 F.R. 40000 (9/8/1978). A claim of business confidentiality may be asserted in the manner specified by 40 CFR § 2.203(b) for part or all of the information requested. EPA will disclose business information covered by such a claim only as authorized under 40 CFR Part 2, Subpart B. If no claim accompanies the business information at the time EPA receives it, EPA may make it available to the public without further notice. Oakley, Inc. may not withhold from EPA any information on the grounds that it is confidential.
19. This Order takes effect upon signature.

Sept 27, 2005

Date

*Original signed by:*  
*Alexis Strauss*

Alexis Strauss  
Director  
Water Division