

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**Date of Notice:** August 4, 2016

**Public Notice Number:** PN2016-0005

**Comment Period:** August 5, 2016 – September 6, 2016

**Action:** Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for Hearing under Sections 309(g) and 311(b)(6) of the Clean Water Act

Under Sections 309(g) and 311(b)(6) of the Clean Water Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance.

In Class II proceedings under Section 309(g)(2)(B), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to twenty thousand six hundred twenty-eight dollars (\$20,628) per day per violation for each day during which the violation continued, up to a maximum of two hundred fifty-seven thousand eight hundred forty-eight dollars (\$257,848).

In Class II proceedings under Section 311(b)(6)(B)(ii), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to seventeen thousand eight hundred sixteen dollars (\$17,816) per day per violation for each day during which the violation continued, up to a maximum of two hundred twenty-two thousand six hundred ninety-five dollars (\$222,695).

Proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” found at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is thirty (30) days after issuance of public notice.

Pursuant to Sections 309(g) and 311(b)(6), EPA is providing public notice of the following proposed administrative penalty assessment:

**In the Matter of Bird, Inc. and Certainteed Corporation**

**Name and Mailing Address of Respondents:**

Bird, Inc. and Certainteed Corporation  
1077 Pleasant Street  
Norwood, MA 02062

**Name and Address of Facility or Site Addressed by Complaint:**

Bird, Inc. and Certainteed Corporation  
1077 Pleasant Street  
Norwood, MA 02062

**Description of Business or Activity Conducted by the Respondent:**

Respondents operate a roofing materials manufacturing facility.

**Description of Violations Alleged in Consent Agreement and Final Order:**

Respondents (1) failed to comply with certain requirements in the facility’s permits; (2) discharged stormwater containing pollutants without authorization; (3) failed to prepare and fully implement a Spill Prevention Control and Countermeasure (“SPCC”) Plan in accordance with the Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112; and (4) discharged oil to the Neponset River in a quantity determined to be harmful.

**Proposed Penalty:** Penalty of \$120,800 plus implementation of an Environmental Quality Assessment/Pollution Prevention Supplemental Environmental Project valued at \$100,190.

**Name of Case:** Bird, Inc. and Certainteed Corporation

**Docket Number:** CWA-01-2016-0058

**Date Filed with Regional Hearing Clerk:** N/A

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:** Wanda Santiago, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code ORA18-1, Boston, MA 02109-3912; (617) 918-1113.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at 5 Post Office Square, Suite 100, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves Sections 309(g) and 311(b)(6) proceedings that are proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. §§ 22.45(b) and (c).