

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100  
Boston, MA 02109-3912



March 13, 2015

**VIA ELECTRONIC FILING AND CERTIFIED MAIL**

Eurika Durr  
Clerk of the Board  
U.S. EPA Environmental Appeals Board  
1200 Pennsylvania Avenue, NW (Mail Code 1103M)  
Washington, D.C. 20460-0001

Lauren P. Alterman,  
VP, EHS and In-House Counsel EHS  
CertainTeed Corporation's Parent  
Saint-Gobain Corporation  
750 E. Swedesford Road  
Valley Forge, PA 19482

Patrick E. Widman, Plant Manager  
CertainTeed Corporation  
Roofing Products Group  
1077 Pleasant Street  
Norwood, Massachusetts 02062

**RE: CertainTeed Corporation  
NPDES Permit No. MA0003531; NPDES Appeal No. 15-01**

Dear Sir or Madam:

In accordance with 40 C.F.R. §§ 124.16 and 124.60, Region 1 of the United States Environmental Protection Agency ("EPA") is providing notice of uncontested and severable permit conditions in connection with National Pollutant Discharge Elimination System ("NPDES") Permit No. MA0003531. EPA reissued that permit to CertainTeed on January 13, 2015 ("Final Permit").

Saint-Gobain Corporation, CertainTeed's corporate parent, timely petitioned EPA's Environmental Appeals Board ("EAB") for review of the permit on February 13, 2015. Petitioner contests:

1. The TSS limitations for Outfalls 002 (average monthly limit of 20 mg/L and maximum daily limit of 30 mg/L) in Part I.A.2 of the Final Permit, 003 (maximum daily limit of 15 mg/L) in Part I.A.3 of the Final Permit

- and 004 (maximum daily limit of 15 mg/L) in Part I.A.4 of the Final Permit;
2. The sampling requirements for Whole Effluent Toxicity insofar as there exists a discrepancy between sampling requirements pertaining to total solids, dissolved solids and total chlorine in the Table and footnote 16 in Parts I.A.1 and I.A.2 of the Final Permit; and,
  3. The sampling condition requiring storm water samples to be collected within the first 15 minutes of a storm event in Parts I.A.1 through I.A.4, footnote 3.

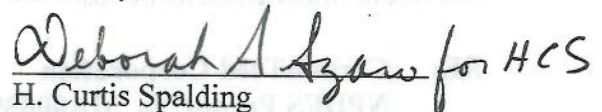
These conditions are collectively referred to as the "Contested Conditions."

When a permit appeal is filed, EPA must issue a notification identifying which permit conditions are stayed as a result of the appeal and which permit conditions will go into effect. *See* 40 C.F.R. §§ 124.16(a)(2)(i) and (ii). While a permit appeal is pending, the contested permit conditions are stayed. *See* 40 C.F.R. § 124.16(a)(1). Uncontested permit conditions that are "inseverable" from contested conditions are also considered to be contested and are stayed. *See* 40 C.F.R. §§ 124.60(b)(4), 124.16(a)(2)(i). Uncontested permit conditions that are severable from contested conditions are not stayed and become enforceable conditions of the permit. *See* 40 C.F.R. §§ 124.16(a)(2)(i) and (ii).

EPA is notifying you that the Contested Conditions are stayed pending final agency action. *See* 40 C.F.R. §§ 124.16(a)(1) and 124.19(1). EPA has determined that all other conditions of the Final Permit are uncontested and severable, and accordingly will become fully effective and enforceable thirty (30) days from receipt of this notice.

If you have any questions regarding this notice, please contact Samir Bukhari of the Office of Regional Counsel at (617) 918-1095.

Sincerely,

  
H. Curtis Spalding  
Regional Administrator  
US EPA-Region 1