

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION I**

**Date of Notice: September 26, 2012**

**Public Notice Number: PN2012-0020**

**Comment Period: September 27, 2012 – November 9, 2012**

**Action:** Notice of Proposed Assessment of Class II Clean Water Act Section 311(b)(6)(B)(ii) Administrative Penalties and Opportunity to Comment

Under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii), 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 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 eleven thousand dollars (\$11,000) per day of violation from March 16, 2004 through and including January 12, 2009, and up to sixteen thousand dollars (\$16,000) per day of violation after January 12, 2009, during which the violation continued, up to a maximum of one hundred seventy-seven thousand five hundred dollars (\$177,500). 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 Section 311(b)(6), EPA is providing public notice of the following proposed administrative penalty assessment:

**In the Matter of Shield Packaging Company, Inc.**

**Name and Mailing Address of Respondent:**

Shield Packaging Company, Inc.  
50 Oxford Avenue  
Dudley, MA 01571

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

Shield Packaging Company, Inc.  
50 Oxford Avenue  
Dudley, MA 01571

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

Custom contract packaging of liquids and aerosols including formulation, compound blending, sourcing, filling, labeling, and shipping.

**Description of Clean Water Act Violations Alleged in Complaint:** Failure to maintain and fully implement a Spill Prevention, Control, and Countermeasure ("SPCC") Plan in accordance with the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112.

**Proposed Penalty for Violations of the Clean Water Act:** Penalties of up to \$11,000 per day of violation from March 16, 2004 through and including January 12, 2009, and up to \$16,000 per day of violation after January 12, 2009, during which the violations continued, up to a maximum of \$177,500 for all CWA counts in the Complaint.

**Name of Case:** In the matter of Shield Packaging Company, Inc.

**Docket Number:** CWA-01-2012-0104

**Date Filed with Regional Hearing Clerk:** September 25, 2012

**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 the complaint or other 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.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty (30) days after issuance of this notice.