REGION 7
LENEXA, KS 66219

SENT BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article No.: 7014 1200 0000 6125 4425

CertainTeed LLC
c/o CT Corporation System, Registered Agent
112 SW 7th Street Suite 3C
Topeka, KS 66603

Re: In the Matter of CertainTeed LLC
Kansas City, KS
Notice of Violation and Invitation to Participate in Pre-Filing Negotiations

Dear Registered Agent:

This letter concerns the compliance of CertainTeed LLC with the requirements of the Clean Air Act, 42 U.S.C. § 7401 *et seq.,* for its facility at 103 Funston Drive, Kansas City, Kansas (the "Facility").

The U.S. Environmental Protection Agency, Region 7, conducted an inspection of CertainTeed's Facility on December 14, 2022. The purpose of the inspection was to determine the compliance of the Facility with the CAA. The inspection report was transmitted to CertainTeed on February 23, 2023. On July 24, 2023, the EPA issued a Request for Information pursuant to Section 114 of the CAA. Based on the inspection, response to the Request for Information, and other relevant information, the EPA has determined that CertainTeed violated the CAA and the EPA's implementing regulations. The attached Notice of Violation is being issued to CertainTeed pursuant to Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3).

Specifically, the facility violated the New Source Performance Standards for Wool Fiberglass Manufacturing Plants, promulgated at 40 C.F.R. Part 60, Subpart PPP, and the National Emission Standards for Hazardous Air Pollutants, promulgated at 40 C.F.R. Part 63, Subpart NNN.[1]

[1] On January 11, 2016, CertainTeed obtained a facility-wide Prevention of Significant Deterioration permit that required CertainTeed to emit less than major source hazardous air pollutant thresholds. However, CertainTeed's Class I Operating Permit continued to require compliance with 40 C.F.R. Part 63, Subpart NNN. In the event that the Class I Operating Permit were modified to require compliance with the area source standards at 40 C.F.R. Part 63, Subpart NN, the violations of Subpart NNN alleged in this letter and NOV related to ESPs at the Facility would be violations of Subpart NN.

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The violations include, but are not limited to, the following:

- Failure to properly operate and monitor electrostatic precipitators at the Facility in accordance with 40 C.F.R. §§ 63.1382(c)(2) and 63.1386(d)(2) and Section XIV.L.5. of CertainTeed's Class I Operating Permit.

- Failure to properly operate scrubbers at the Facility in accordance with 40 C.F.R. § 63.1382(c)(7).

- Failure to calibrate ESPs and maintain records of quarterly calibrations in accordance with 40 C.F.R. § 63.1383 and Sections XIV.L.1. and XII. of CertainTeed's Class I Operating Permit.

- Failure to properly calibrate monitoring devices at the Facility and maintain written documentation of quarterly calibrations in accordance with 40 C.F.R. §§ 60.683(c) and 60.684(d), and Section VI.G.1. of CertainTeed's Class I Operating Permit.

- Failure to record the gas pressure drop and liquid flow rate of K12 Scrubbers 1-3, and K22 Scrubbers 1-2, in violation of 40 C.F.R. §§ 60.683(a) and 60.684(a), and Sections VI.H.1. and VI.K.1. of CertainTeed's Class I Operating Permit.

- Failure to monitor ESPs at the Facility in accordance with the Facility's Operations and Maintenance Plan, in violation of 40 C.F.R. § 63.1383(c)(1) and Section XIV.L.h.iv. of CertainTeed's Class I Operating Permit.

Operating, monitoring, and calibration requirements exist to ensure the controlled emission units continue to operate under the conditions in which the unit demonstrated it was capable of meeting emission limits. Without following the monitoring procedures, there can be no reasonable assurance that the emission units continue to meet those emission limits which are protective of human health and the environment.

The EPA's primary concern is CertainTeed's return to full compliance as expeditiously as possible. The EPA also believes that these violations are significant enough to warrant the assessment of a civil penalty. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes civil penalties for violations of the CAA and its implementing regulations. To be fair and consistent in its assessment of penalties, the EPA uses the CAA Stationary Source Civil Penalty Policy (October 25, 1991) to calculate penalties. A link to this document is included in the Additional Sources of Information enclosure.

By this letter, the EPA invites CertainTeed to negotiate a fair resolution of this matter before any complaint is filed. The EPA is extending an opportunity to advise the agency, in person, via conference call, or in writing, of any further information the EPA should consider with respect to the alleged violations. A settlement of this matter through CertainTeed's return to full compliance and payment of an appropriate civil penalty would be memorialized in a Consent Agreement and Final Order to be signed by an authorized representative of CertainTeed and the EPA. If CertainTeed believes it does not have the financial ability to pay the proposed penalty and wants EPA to consider its financial condition, CertainTeed should notify EPA during the settlement discussions so we can further discuss the circumstances and determine the appropriate financial documentation to substantiate this claim.

If CertainTeed is interested in participating in pre-filing negotiations, please contact Jonathan Meyer, in the Office of Regional Counsel, within **20 calendar days** of receipt of this letter at (913) 551-7140. The EPA generally provides a period of 90 days to reach settlement before considering more formal enforcement options.

CertainTeed's attention to this matter is greatly appreciated. Please do not hesitate to contact Mr. Meyer at (913) 551-7140, or Luke Rodriguez, Compliance Officer, at (913) 551-7564 with any questions.

Sincerely,

DAVID COZAD

Digitally signed by DAVID COZAD
Date: 2025.01.14 15:15:48 -06'00'

David Cozad
Director
Enforcement Compliance and Assurance Division

Enc.: Notice of Violation
Additional Sources of Information

Cc: Vivien Smith, KDHE
Thiago Giacchero Sposito, CertainTeed

Additional Sources of Information

- Information on CAA Enforcement Policy Guidance and Publications:
  https://www.epa.gov/enforcement/air-enforcement-policy-guidance-and-publications

- Information on CAA Penalty Policy:
  https://www.epa.gov/sites/production/files/documents/penpol.pdf

- Information on EPA's SEP policy:
  https://www.epa.gov/enforcement/supplemental-environmental-projects-seps

- Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22:
  https://ecfr.io/Title-40/Part-22

- Information on Small Businesses and Enforcement:
  https://www.epa.gov/compliance/small-business-resources-information-sheet

- Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements, April 26, 2021:
  https://www.epa.gov/sites/production/files/2021-04/documents/usingallappropriateinjunctivereliefftoolsincivilenforcementsettlement0426.pdf