

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

**FILED**

**March 16, 2026**

**9:06AM**

**U.S. EPA REGION 7  
HEARING CLERK**

**IN THE MATTER OF:**

**CERTAINTEED LLC**  
103 Funston Road  
Kansas City, Kansas

**Respondent.**

**Docket No. CAA-07-2025-0030**

Proceeding pursuant to the  
Clean Air Act, 42 U.S.C. § 7401, et. seq.

**CONSENT AGREEMENT**

**I. PRELIMINARY STATEMENT**

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (“CAA”), 42 U.S.C. § 7413(d), and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 7 (the “EPA”). On the EPA’s behalf and as delegated by the Administrator of the EPA and the Regional Administrator of Region 7, the Director of the Enforcement and Compliance Assurance Division is delegated the authority to settle civil administrative penalty proceedings under Section 113(d) of the CAA.

3. Respondent is CertainTeed LLC (“CertainTeed”), which is incorporated under the laws of the state of Delaware and is authorized to do business in Kansas.

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement (“Consent Agreement” or “Agreement”) and the attached final order (“Final Order” or “Order”) without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order.

**II. JURISDICTION**

5. This Consent Agreement is entered into under Section 113(d) of the CAA, as amended, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this Consent Agreement are enforced pursuant to Section 113(a)(1)(B) and 113(a)(3)(A).

6. The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(a) and 22.18(b).

7. The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

8. The EPA Administrator and the United States Attorney General, through their delegated representatives, have jointly determined that this administrative penalty action is appropriate for a larger penalty amount or longer period of violation than the time and penalty limitations set forth in Section 113(d) of the CAA.

### **III. GOVERNING LAW**

9. The Clean Air Act establishes a regulatory framework designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401.

#### **National Emission Standards for Hazardous Air Pollutants**

10. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to establish emission standards for each category of major sources of hazardous air pollutants ("HAPs"). These emissions standards must require the maximum degree of reduction in emissions of HAPs that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for the new or existing sources in the category to which the emission standard applies. Section 112(b) of the Act, 42 U.S.C. § 7412(b), designates chromium compounds as hazardous air pollutants.

11. EPA promulgated the national emissions standards for hazardous air pollutants ("NESHAPs") for wool fiberglass manufacturing facilities that are major sources or located at a major source. These provisions are codified at 40 C.F.R. Part 63, Subpart NNN. Subpart NNN establishes specific emission standards, monitoring requirements, performance test requirements, and notification, recordkeeping and reporting requirements for wool fiberglass manufacturing facilities that are major sources or are located at a facility that is a major source. See 40 C.F.R. Part 63, Subpart NNN.

12. EPA promulgated the NESHAPs for wool fiberglass manufacturing at area sources, codified at 40 C.F.R. Part 63, Subpart NN. Subpart NN applies to emissions of chromium compounds from glass-melting furnaces and establishes specific emission standards, monitoring requirements, performance test requirements, and notification, recordkeeping and reporting requirements for wool fiberglass manufacturing facilities that are area sources or located at a facility that is an area source. See 40 C.F.R. Part 63, Subpart NN.

13. Subpart NNN requires the owner or operator of the facility to conduct a performance test to demonstrate compliance with the applicable emission limits in 40 C.F.R. § 63.1382. During the performance test, the owner or operator of a glass-melting furnace controlled by an electrostatic precipitator ("ESP") shall monitor and record the ESP parameter level(s), as specified in the operations, maintenance and monitoring plan, and establish the minimum and/or maximum values that will be used to demonstrate compliance after the initial performance test. 40 C.F.R. § 63.1384(a)(5). Subpart NN contains substantively similar requirements at 40 C.F.R. § 63.882 and 63.884.

14. On or after the date on which the performance test required to be conducted is completed, the owner or operator must monitor all affected control equipment and processes according to the requirements of 40 C.F.R. § 63.1383. Among those requirements, any owner or operator who uses a control device to control hazardous air pollutant emissions from a glass-melting furnace, rotary spin manufacturing line, or flame attenuation manufacturing line must first install, calibrate, maintain and

operate a monitoring device that continuously measures an appropriate parameter for the control device. That parameter must be established during the performance test to demonstrate compliance with the applicable emission limits. 40 C.F.R. § 63.1383(f). Subpart NN also requires compliance with 40 C.F.R. 63.1383. 40 C.F.R. § 63.883.

15. On and after the date on which the performance test required to be conducted by 40 C.F.R. § 63.1384 is completed, the owner or operator of the facility must operate the ESP such that the monitored ESP parameter is not outside the limit(s) established during the performance test for more than 10 percent of the total operating time in a 6-month block reporting period. 40 C.F.R. § 63.1382(c)(2)(iii). Subpart NN contains substantively similar requirements at 40 C.F.R. § 63.882.

16. Furthermore, the owner or operator must initiate corrective action within 1 hour when any 3-hour block average of the monitored ESP parameter is outside the limit(s) established during the performance test as specified in 40 C.F.R. § 63.1384, and complete corrective actions in a timely manner according to the procedures in the operations, maintenance, and monitoring plan. 40 C.F.R. § 63.1382(c)(2)(i). The owner or operator must also implement a Quality Improvement Plan consistent with the compliance assurance monitoring (“CAM”) provisions of 40 C.F.R. Part 64, Subpart D, when the monitored ESP parameter is outside the limit(s) established during the performance test for more than 5 percent of the total operating time in a 6-month block reporting period. 40 C.F.R. § 63.1382(c)(2)(ii). Subpart NN contains substantively similar requirements at 40 C.F.R. § 63.882.

17. Pursuant to 40 C.F.R. § 63.1386(e), the owner or operator must submit a semiannual report if measured emissions are in excess of the applicable standard or a monitored parameter deviates from the levels established during the performance test. This report must contain the information specified in 40 C.F.R. § 63.10(c) as well as the recordkeeping requirements of § 63.1386(d).

18. Pursuant to 40 C.F.R. § 63.886, the owner or operator must comply with all applicable notification, recordkeeping, and reporting requirements contained in Subpart NNN.

### **New Source Performance Standards**

19. Section 111 of the CAA, 42 U.S.C. § 7411, requires the EPA to develop technology-based standards that apply to specific categories of stationary sources. The New Source Performance Standards (“NSPS”) apply to new, modified, and reconstructed affected facilities in specific source categories. The NSPS are developed and implemented by the EPA and are delegated to the states. However, even when delegated to the states, the EPA retains authority to implement and enforce the NSPS.

20. Pursuant to the authority granted under Section 111 of the CAA, 42 U.S.C. § 7411, the EPA promulgated general regulations applicable to all NSPS source categories in 40 C.F.R. Part 60, Subparts A, B, and C. In addition, the EPA promulgated regulations set forth at 40 C.F.R. Part 60, Subpart PPP, which apply to Wool Fiberglass Manufacturing Plants.

21. Within Part 60, Subpart PPP, EPA promulgated specific regulations that apply to each rotary spin fiberglass insulation manufacturing line that commences construction, modification, or reconstruction after February 7, 1984. 40 C.F.R. § 60.680.

22. Owners or operators subject to the provisions of Subpart PPP who use a wet ESP control device to comply with the mass emission standard are required to install, calibrate, maintain, and operate monitoring devices that measure the primary and secondary current (amperes) and voltage in each electrical field and the inlet flow rate. In addition, the owner or operator is required to determine the total solids content of the water entering the control device once per day. 40 C.F.R. § 60.683(b).

23. At 30-minute intervals during each 2-hour test run of each performance test of a wet ESP control device and at least once every 4 hours thereafter, the owner or operator is required to record the measurements required by 40 C.F.R. § 60.683(b), except that the concentration of total residue in the water shall be recorded once during each performance test and once per day thereafter. 40 C.F.R. § 60.684(6).

24. Each owner or operator is required to submit written semiannual reports of exceedances of control device operating parameters specified in 40 C.F.R. § 60.683(b). For the purpose of these reports, exceedances are defined as any monitoring data that are less than 70 percent of the lowest value or greater than 130 percent of the highest value of each operating parameter recorded during the most recent performance test. 40 C.F.R. § 60.684(d).

### **General**

25. Section 111(e), 42 U.S.C. § 7411(e), prohibits any person from operating any source in violation of any NSPS standard applicable to such source after the effective date of the NSPS.

26. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for major sources of air pollution.

27. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), requires each state to develop and submit a permit program meeting the requirements of Title V for approval by the EPA.

28. Under 40 C.F.R. § 70.6(b), all terms and conditions contained in a permit issued under a permit program approved pursuant to the Title V are federally enforceable under Section 113 of the CAA, 42 U.S.C. § 7413, unless the term or condition is not required under the CAA.

29. On July 17, 1995, the EPA approved Kansas Rule K.A.R. 28-19-302, pursuant to Section 110 of the CAA. *See* 60 Fed. Reg. 36361 (July 17, 1995).

30. Pursuant to K.A.R. 28-19-302, an owner or operator submitting an application for construction of a new source or modification of an existing source may request a federally enforceable operational restriction that reduces the potential-to-emit of the stationary source. The permit restriction must meet the requirements of K.A.R. 28-19-501(b) to be federally enforceable.

31. On January 30, 1996, the EPA approved Kansas Rules K.A.R. 28-19-500 – K.A.R. 28-19-502, pursuant to Section 110 and subchapter V of the CAA. *See* 61 Fed. Reg. 2938 (Jan. 30, 1996).

32. Pursuant to K.A.R. 28-19-500(b), a stationary source may avoid obtaining a class I operating permit by electing to reduce its potential-to-emit through limitations or control equipment

required by a class II operating permit. The potential-to-emit is not considered to be reduced until a class II permit has been issued to the stationary source.

33. On January 30, 1996, the EPA approved the Class I Operating Permit Program, Kansas Rules K.A.R. 28-19-510 – K.A.R. 28-19-518, pursuant to subchapter V of the CAA. *See* 61 Fed. Reg. 2938 (Jan. 30, 1996).

34. Pursuant to K.A.R. 28-19-512, the owner or operator of a stationary source which is authorized to operate pursuant to a class I operating permit shall assure that the stationary source operates in compliance with the terms and conditions of the class I operating permit.

35. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act.

36. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes the Administrator to issue an administrative order against any person assessing a civil penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of the CAA referenced therein, including Sections 111 and 112, and the implementing regulations. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$59,114 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025.

37. Section 113(d)(2)(B) of the CAA, 42 U.S.C. § 7413(d)(2)(B), states that the Administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under this subsection.

#### **IV. FACTUAL ALLEGATIONS**

38. CertainTeed is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

39. At all times pertinent to this action, CertainTeed was the “owner” and “operator” of a wool fiberglass manufacturing facility at 103 Funston Drive, Kansas City, Kansas (the Facility) within the meaning of Sections 111(a)(5) and 112(a) of the Act, 42 U.S.C. §§ 7411(a)(5), 7412(a).

40. At all times pertinent to this action, the Facility was a “stationary source” as defined by Sections 111(a)(3) and 112(a)(3) of the Act, 42 U.S.C. §§ 7411(a)(3), 7412(a)(3).

41. At all times pertinent to this action, CertainTeed operated a wool fiberglass manufacturing facility, as that term is defined in 40 C.F.R. § 63.1381 and 40 C.F.R. § 63.881. This Facility commenced construction prior to November 25, 2011.

42. On January 11, 2016, CertainTeed obtained a facility-wide Prevention of Significant Deterioration permit issued by the Department of Air Quality of the Wyandotte County/Kansas City, Kansas Health Department pursuant to Sec. 3-13 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas and on behalf of the Bureau of Air and Radiation of the Kansas Department of Health and Environment (KDHE) pursuant to K.S.A. 65-3008, as amended. The permit requires CertainTeed to emit less than 10 tons of any individual HAP in any given 12 month period, and less than 25 tons of any combined HAPs in any given 12 month period.

43. The Wyandotte County Public Health Department issued an Air Emission Source Class I Operating Permit to CertainTeed on March 14, 2005 (“CertainTeed’s Permit”). This permit was later renewed on September 29, 2016, with an expiration date of September 28, 2021. CertainTeed filed a late permit renewal application as a condition of KDHE’s Consent Agreement and Order #21-E-04, issued on July 28, 2021, which administratively extended the operating permit.

44. According to the Facility’s Class I Operating Permit, prior to January 11, 2016, the Facility was a “major source” of “hazardous air pollutants” as those terms are defined by Section 112(a) of the Act, 42 U.S.C. § 7412(a). The permit states that CertainTeed’s facility is subject to, among other regulations, the requirements of Subpart NNN.

45. On December 14, 2022, the EPA conducted an on-site inspection of the Facility.

46. On July 24, 2023, the EPA issued a request for information (“2023 Request for Information”) to the facility pursuant to Section 114 of the CAA, 42 U.S.C. § 7414.

47. On October 11, 2023, Respondent submitted its response to the 2023 Request for Information.

48. On January 16, 2025, the EPA issued a Notice of Violation to CertainTeed concerning alleged violations of Subpart NNN/Subpart NN, Subpart PPP and the Facility’s Class I Operating Permit.

## **V. ALLEGED VIOLATIONS OF LAW**

49. Paragraphs 1 through 48 are incorporated by reference herein.

50. EPA alleges that CertainTeed violated the following requirements of Subpart NNN and CertainTeed’s Permit for the K11 Forming Line wet electrostatic precipitator (“WEP”), K11 Oven WEP, K21 Forming Line WEP2, K21 Forming Line WEP3, K21 Oven WEP, K1 Furnace dry electrostatic precipitator (“DEP”), and the K2 Furnace DEP from at least January 1, 2020, through at least December 31, 2023, in the following manner:

- a. Failure to operate the ESPs such that the monitored ESP parameter is not outside the limits established during the performance test for more than 10 percent of the total operating time in a 6-month block reporting period, as required by 40 C.F.R. § 63.1382(c)(2)(iii) and Section XIV.L.5.c. of CertainTeed’s Permit.

- b. When the ESPs are operated outside of the limits established during the performance test during any 3-hour block average, 40 C.F.R. § 63.1382(c)(2)(iii) requires the facility to take corrective action within 1 hour. The facility must also maintain records of these corrective actions, as required by 40 C.F.R. § 63.1386(d)(2)(ii). According to the Facility's response to the 2023 Request for Information, the Facility does not have records of corrective actions taken on electrostatic precipitators that were operated outside the limits established during the performance test, as required by 40 C.F.R. § 63.1386(d)(2)(ii) and Section XIV.L.5.e. of CertainTeed's Permit.
- c. When any monitored ESP parameter is outside the limit(s) established during the performance test for more than 5 percent of the total operating time in a 6-month block reporting period, the owner or operator must implement a Quality Improvement Plan ("QIP") consistent with the compliance assurance monitoring provisions of 40 C.F.R. Part 64, Subpart D. The Facility's QIPs do not contain adequate procedures for improved preventative maintenance practices, process operation changes, and improvement to control methods as required by 40 C.F.R. § 64.8(b)(2) and Section XIV.L.5.b. of CertainTeed's Permit.

51. If CertainTeed were permitted as an area source of HAPs, the alleged violations listed in Paragraph 50 related to the K1 Furnace DEP and the K2 Furnace DEP are alleged violations of Subpart NN at 40 C.F.R. §§ 63.882(b)(2)(i), 63.882(b)(2)(iii), 63.883 and 63.886, rather than alleged violations of the Subpart NNN provisions cited in Paragraph 50.

52. From at least January 1, 2020 through at least December 31, 2023, the EPA alleges that CertainTeed failed to operate the K12 Scrubbers 1, 2 and 3 and the K22 Scrubbers 1 and 2 such that each monitored parameter is not outside the limit(s) established during the performance test and in a manner consistent with the applicable provisions of 40 C.F.R. Part 60, Subpart PPP.

53. The EPA alleges that CertainTeed violated the following requirements of Subpart NNN and CertainTeed's Permit related to calibration of the K1 DEP and the K2 DEP from at least January 1, 2020, through at least December 31, 2023, in the following manner:

- a. 40 C.F.R. § 63.1383 requires the owner or operator to monitor affected control equipment and processes in accordance with its written operations, maintenance, and monitoring plan ("O&M Plan"). 40 C.F.R. § 63.1383(a)(2) requires the O&M Plan to contain provisions for quarterly calibration and certification of accuracy of each monitoring device according to the manufacturer's instructions. According to the Facility's O&M Plan, and Sections XIV.L.1.h. and XII. of CertainTeed's Permit, the Facility must maintain records of quarterly calibrations of the K1 DEP and K2 DEP.
- b. CertainTeed did not maintain records of quarterly calibrations for the K1 and K2 DEP for all four quarters of 2020, Quarter 3 and Quarter 4 of 2021, Quarter 1 and Quarter 2 of 2022, and was missing calibration data for Quarter 3 and Quarter 4 of 2022 and Quarter 1 and Quarter 2 of 2023, in violation of 40 C.F.R. § 63.1383, the Facility's O&M Plan, and Sections XIV.L.1.h. and XII. of CertainTeed's Permit.

54. If CertainTeed were permitted as an area source of HAPs, the alleged violations listed in Paragraph 53 are violations of Subpart NN at 40 C.F.R. § 63.883, rather than alleged violations of the Subpart NNN provisions cited in Paragraph 53.

55. The EPA alleges that CertainTeed violated the following requirements of Subpart PPP and CertainTeed's Permit related to calibration of monitoring devices at the Facility in the following manner:

- a. Section VI.G.1. of CertainTeed's Permit and 40 C.F.R. § 60.683(c) require monitoring devices to be recalibrated quarterly in accordance with procedures under § 60.13(b), which requires continuous monitoring devices to be calibrated in accordance with manufacturer's written requirements or recommendations. The Facility's response to the 2023 Request for Information states that the Facility's WEPs must be calibrated to a variance of less than 5% for kV/mA calibration, and less than 10% for flowmeter calibration. Records submitted in response to the 2023 Request for Information demonstrated that calibration measurements were outside of these parameters in Quarter 3 and Quarter 4 of 2022.
- b. Section VI.G.1. of CertainTeed's Permit and 40 C.F.R. § 60.684(d) require the owner or operator to maintain written documentation of quarterly calibrations of monitoring devices and a report of corrective maintenance required by quarterly calibrations. According to the Facility's response to the request for information, records of quarterly calibrations from 2020-2023 demonstrated that reports were either missing, had at least one unit missing calibration, or were missing key information.

56. Sections VI.H.1. and VI.K.1. of CertainTeed's Permit and 40 C.F.R. § 60.683(a) require the owner or operator to install, calibrate, maintain and operate monitoring devices that measure the gas pressure drop and liquid flow rate on each wet scrubber to demonstrate compliance with the mass emission standard of Subpart PPP. Sections VI.H.1. and VI.K.1. of CertainTeed's Permit and 40 C.F.R. § 60.684(a) require the owner or operator to record the measurements required by 40 C.F.R. § 60.683(a) at least once every 4 hours of operation of the wet scrubbers. From at least January 1, 2020, through the present, the EPA alleges that CertainTeed failed to record the gas pressure drop and liquid flow rate of K12 Scrubbers 1, 2 and 3, and K22 Scrubbers 1 and 2, in violation of Sections VI.H.1. and VI.K.1. of CertainTeed's Permit, and of 40 C.F.R. §§ 60.683(a) and 60.684(a).

57. Section XIV.L.h.iv. of CertainTeed's Permit and 40 C.F.R. § 63.1383(c)(1) require the owner or operator to monitor ESPs according to the procedures in the Facility's O&M plan, which must contain operating parameters, a schedule for monitoring, recordkeeping and reporting procedures, and procedures for proper operation and maintenance of ESPs. The Facility's O&M Plan contains lock out/tag out procedures and interlock systems for monitoring of ESPs. The Facility's 2023 Quarter 1 and Quarter 2 calibration reports identify issues that could have catastrophic consequences relating to bypassed and/or removed locks and electrical problems that demonstrate that the Facility failed to monitor ESPs in accordance with procedures in the Facility's O&M Plan.

58. If CertainTeed were permitted as an area source of HAPs, the violations listed in Paragraph 57 would be a violation of Subpart NN at 40 C.F.R. § 63.883, rather than alleged violations of the Subpart NNN provisions cited in Paragraph 57.

59. The violations listed in paragraphs 50 through 58 of Subpart NNN and/or Subpart NN are violations of Section 112 of the CAA, and the violations of Subpart PPP are violations of Section 111 of the CAA.

## **VI. TERMS OF THE CONSENT AGREEMENT**

60. Respondent consents to the issuance of this Consent Agreement and Final Order. In addition, for the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the factual allegations stated herein;
- (c) consents to the assessment of a civil penalty as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order as provided herein<sup>1</sup>;
- (e) consents to the conditions specified herein;
- (f) consents to any stated Permit Action<sup>2</sup>;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Order accompanying this Agreement.

61. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

62. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

63. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

64. The parties consent to service of this Consent Agreement and Final Order electronically at the following e-mail addresses: *meyer.jonathan@epa.gov* (for Complainant) and *Thiago.Sposito@saint-gobain.com* and *Brett.E.Slensky@saint-gobain.com* (for Respondent). Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

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<sup>1</sup> Although 40 C.F.R. § 22.18(b)(2) requires each term in this list to be stated in this CAFO, subparagraph (d) is not applicable to this particular case.

<sup>2</sup> Although 40 C.F.R. § 22.18(b)(2) requires each term in this list to be stated in this CAFO, subparagraph (f) is not applicable to this particular case.

## **Penalty Payment**

65. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a compromised civil penalty of seven hundred eighty-one thousand, one hundred seventy-five dollars (\$781,175) as set forth below.

66. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. If payment is to be made by check, check should be made payable to “Treasurer, United States of America.” For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

67. When making a payment, Respondent shall:

- a. Identify every payment with Respondent’s name and the docket number of this Agreement, CAA-07-2025-0030.
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons:

Regional Hearing Clerk  
[R7\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R7_Hearing_Clerk_Filings@epa.gov)

Jonathan Meyer, Attorney  
[meyer.jonathan@epa.gov](mailto:meyer.jonathan@epa.gov)

and

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
Via electronic mail to:  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

68. Respondent understands that its failure to timely pay any portion of the civil penalty or any portion of a stipulated penalty as stated in Paragraph 74 may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent

per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

69. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent’s failure to provide IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide the EPA with sufficient information to enable it to fulfill these obligations, Respondent herein agrees that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Division at [sherrer.dana@epa.gov](mailto:sherrer.dana@epa.gov) within 30 days after the Final Order ratifying this Agreement is filed. EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Division with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

### **Conditions**

70. As conditions of settlement and in compromise of the civil penalty that EPA could otherwise impose herein, Respondent agrees to perform the following:

- a. Within 60 days of the effective date of this Agreement, Respondent shall develop and submit to EPA an Emission Reduction Plan for the K1 and K2 DEPs that addresses the following requirements:
  - i. Identification of preventative maintenance activities that will reduce and/or prevent bypass of the K1 and K2 DEPs, and a schedule for implementation of the identified preventative maintenance activities.
  - ii. Updated and enhanced operating and preventative maintenance procedures to optimize routine maintenance activities for key electrical and mechanical systems for the K1 and K2 DEPs, including troubleshooting steps.

- iii. Identification of components that are critical to the operation of the K1 and K2 DEPs that exist at the facility or will be purchased and stored at the Facility that will minimize extended K1 and K2 DEPs downtimes.
  - iv. Identification of steps in the updated and enhanced operating procedures for the K1 and K2 DEPs that shall be taken during each bypass event to minimize emissions in an expeditious manner.
  - v. Notification procedures for notifying the permitting authority and EPA of bypass events. These procedures should follow all existing notification obligations but should further include reporting each event in the semi-annual report in a separate addendum which includes the date, length of time, root cause of the incident, estimated excess emissions and the steps taken to correct the identified cause or reduce its future likelihood for each event. Respondent shall provide such notifications to the permitting authority and EPA for a period beginning 90 days after the effective date of this Agreement and continuing until the date that is one year after the effective date of this Agreement.
- b. Within 60 days of the effective date of this Agreement, Respondent shall submit a revised and complete Class I Operating Permit renewal application to the applicable permitting authority and EPA that identifies equipment and processes at the Facility that are subject to the requirements of either 40 C.F.R. Part 63, Subpart NNN or 40 C.F.R. Part 63, Subpart NN.

71. To the extent that the requirements of paragraph 70 require CertainTeed to obtain state or local approval or a separate permit, CertainTeed shall submit timely and complete applications and take all other actions necessary to obtain such permits or approvals.

72. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of the requirements of Paragraph 70 is restitution, remediation, or required to come into compliance with the law.

### **Certifications and Submittals**

73. All documents required to be submitted to EPA by this Consent Agreement shall be in compliance with Paragraph 73 of this Agreement, and shall contain the following certification, signed by an officer of CertainTeed:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

- a. The documentation required by Paragraphs 70.a and Paragraph 70.b shall be submitted in electronic format to:

Luke Rodriguez  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219  
Email: [rodriguez.luke@epa.gov](mailto:rodriguez.luke@epa.gov)

- b. To the extent this Agreement requires Respondent to submit any information to the EPA, Respondent may assert a business confidentiality claim covering part or all of that information, but only to the extent and only in the manner described in 40 C.F.R. Part 2, Subpart B. The EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

## **VII. STIPULATED PENALTIES**

74. Respondent shall be liable for stipulated penalties to Complainant in the amounts set forth below. The following stipulated penalties shall accrue per violation per day:

- a. For failure to certify and submit reports and deliverables to EPA as required by Paragraph 73:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$ 250	1st through 15th day
\$ 500	15th day and beyond

- b. For failure to satisfactorily complete any requirement of Paragraph 70:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$ 750	1st through 15th day
\$ 1,500	15th day and beyond

75. All penalties shall begin to accrue on the day after the complete performance is due or the day a violation of a Consent Agreement deadline or other Consent Agreement requirement occurs and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Consent Agreement.

76. The payment of stipulated penalties under this Consent Agreement shall not alter in any way Respondent's obligations to comply with the provisions of this Consent Agreement.

77. Respondent shall pay stipulated penalties not more than thirty (30) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions set forth in Paragraphs 67-68 of this Consent Agreement.

78. The stipulated penalties provided for in this Consent Agreement shall be in addition to any other rights, remedies, or sanctions available to the EPA for Respondent's violation of this Consent Agreement or applicable law. Where a violation of this Consent Agreement is also a violation of statutory or regulatory requirements, Respondent shall be allowed a credit, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

79. The provisions of this Agreement shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. Respondent must give written notice and a copy of this Agreement to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Facility. Prior to any such transfer of ownership or control, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Agreement unless the EPA has provided written approval of the release of said obligations or liabilities.

80. By signing this Agreement, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that they are fully authorized to execute and enter into the terms and conditions of this Agreement and have the legal capacity to bind the party they represent to this Agreement.

81. By signing this Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

### **VIII. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER**

82. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this Consent Agreement and Final Order resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

83. This Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

84. The terms, conditions and compliance requirements of this Agreement may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

85. Any violation of this Order may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 per day per violation, or both, as provided in Section 113(b)(2) of the CAA, 42 U.S.C. § 7413(b)(2), and adjusted for inflation pursuant to 40 C.F.R. Part 19, as well as criminal

sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

86. Nothing in this Agreement shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

87. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

88. The allegations in this Consent Agreement and Final Order constitute "prior violations" as that term is used in EPA's Clean Air Act Stationary Source Civil Penalty Policy to determine Respondent's "history of noncompliance" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

89. Upon completion of the requirements of this Consent Agreement and Final Order, Respondent shall so certify in writing and in accordance with the certification language in Paragraph 72. Unless the EPA objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, this Agreement will be terminated based on EPA's receipt of Respondent's certification.

#### **IX. EFFECTIVE DATE**

90. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

91. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

The foregoing Consent Agreement in the matter of CertainTeed, LLC, Respondent, EPA Docket No. CAA-07-2025-0030, is Hereby Stipulated, Agreed, and Approved for Entry.

**FOR RESPONDENT**

CertainTeed, LLC:



Signature

3/10/2026

Date

Printed Name:

Michael P Kralik

Title:

Vice President of IPG

Address:

20 Moores Rd, Malvern, PA 19355

Respondent's Federal Tax Identification Number:

23-2510893

The foregoing Consent Agreement in the matter of CertainTeed, LLC, Respondent, EPA Docket No. CAA-07-2025-0030, is Hereby Stipulated, Agreed, and Approved for Entry.

**FOR COMPLAINANT:**

U.S. Environmental Protection Agency Region 7

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Alyse Stoy, Acting Director  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Jonathan Meyer, Senior Counsel  
Office of Regional Counsel  
U.S. EPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

**FINAL ORDER**

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**  
*(to be completed by EPA)*

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via E-Mail to Complainant:

Jonathan Meyer  
Office of Regional Counsel  
*meyer.jonathan@epa.gov*

Luke Rodriguez  
Enforcement and Compliance Assurance Division  
*rodriguez.luke@epa.gov*

Carrie Venerable  
EPA Region 7  
*venerable.carrie@epa.gov*

Copy via E- Mail to Respondent:

Thiago Giacchero Sposito  
Plant Manager, CertainTeed Kansas City  
*Thiago.Sposito@saint-gobain.com*

Brett Slensky  
Environmental, Health and Safety Counsel  
Saint-Gobain Corporation  
*Brett.E.Slensky@saint-gobain.com*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed