



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 20 2005

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ed L. Foster, Manufacturing Manager
CertainTeed Corporation
3303 East Fourth Street
Shakopee, MN 55379

Re: Notice of Violation
CertainTeed Corporation
Shakopee, MN

Dear Mr. Foster:

The United States Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to CertainTeed Corporation (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Minnesota State Implementation Plan at your Shakopee, Minnesota facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV.

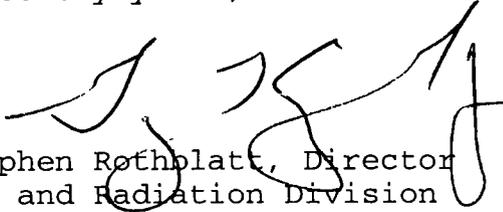
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charmagne Villasin. You may call her at (312) 886-0448 to request a conference. You should make the request as soon as possible, but no later than 10

calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



ACTING

Stephen Rothblatt, Director
Air and Radiation Division

cc: Ann Foss, Enforcement Manager, MPCA
Lauren P. Alterman, Associate General Counsel, Saint Gobain Corporation

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
CertainTeed) **NOTICE OF VIOLATION**
Shakopee, MN)
) **EPA-5-05-MN-22**
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act, 42 U.S.C.)
§ 7413(a)(1))

NOTICE OF VIOLATION

The United States Environmental Protection Agency (U.S.EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). U.S.EPA finds that CertainTeed Corporation (CertainTeed) is violating the Minnesota State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On May 24, 1995, U.S.EPA approved Chapters 7007 and 7011 as part of the federally enforceable SIP for Minnesota, with an effective date of July 24, 1995. 60 Fed. Reg. 27411. On May 18, 1999, U.S. EPA approved revisions to Chapters 7007 and 7011 as part of the federally enforceable SIP for Minnesota. 64 Fed. Reg. 26880. On February 24, 2005, U.S. EPA revised the format of 40 C.F.R. Part 52 for materials submitted by the State of Minnesota that are incorporated by reference into its SIP (an administrative change affecting Chapters 7007 and 7011, among others). 64 Fed. Reg. 26880.
2. Minnesota Rule 7007.0150 Subpart 1 states that "No person may construct, modify, reconstruct, or operate an emission unit, emission facility, or stationary source except in compliance with an air emission permit from the [State] agency."
3. Minnesota Rule 7007.1500 Subpart 2 states "[t]o apply for a major permit amendment, the permittee shall follow the application procedures in parts 7007.0100 to 7007.1850 which are applicable to a new or renewed permit of the type being amended."

4. Minnesota Rule 7007.0500, Subpart 2.C.(4) states that "The permit application shall specify the potential emissions as defined in part 7005.0100, Subpart 35a, in tons per year from the stationary source as a whole. These potential emissions shall be specified for each regulated air pollutant and each hazardous air pollutant that is not yet a regulated air pollutant, as defined in 7007.0100, subparts 12a and 19, except that pollutants which are regulated solely under section 112(r) of the act need not be included and pollutants regulated solely under 602 of the act need not be included. In addition, for each emission unit subject to an applicable requirement, the permit application shall specify, in tons per year, the potential emissions from the same pollutants referenced in the previous sentence."

6. Minnesota Rule 7011.0070 Subpart 1 states "...the owner or operator of a stationary source must at all times attain at least the control efficiency listed in Table A for each piece of listed control equipment at the stationary source." Minnesota Rule 7011.0070 Table A includes a control efficiency of 99% for a fabric filter/total enclosure.

CertainTeed's Facility

7. CertainTeed owns and operates an asphalt felts and coating facility at 3303 East Fourth Street, Shakopee, Minnesota.

8. The CertainTeed Shakopee facility includes Line 1 and Line 3. Line 1 became operational in 1974. Line 3 became operational in September 2003.

9. Acting on a permit application dated April 11, 1996, Minnesota issued an initial Title V operating permit to the CertainTeed Shakopee facility on September 28, 2000. Acting on a permit modification application dated November 29, 2001, Minnesota issued a major amendment to that permit on August 5, 2002, which included requirements for Line 3. Acting on a permit modification application dated July 30, 2003, Minnesota issued a second major amendment to that permit on February 3, 2004.

10. Emission units at CertainTeed's Shakopee, Minnesota facility are subject to the air emission permit regulations in the Minnesota SIP at 7007.0150, Subpart 1.

11. Emission units at CertainTeed's Shakopee, Minnesota facility

are subject to the air emission permit application regulations in the Minnesota SIP at 7007.0500, Subpart 2.C.(4).

12. Emission units at CertainTeed's Shakopee, Minnesota facility are subject to the listed control equipment and control efficiencies regulations in the Minnesota SIP at 7011.0070.

Violations

13. The Line 1 Filler Heater was installed in 1974. The Line 1 Filler Heater was not included in the Title V operating permit for the facility issued April 4, 1996, or in any subsequent Title V operating permit amendments. Therefore CertainTeed has been operating the Line 1 Filler Heater without a permit. This is a violation of Minnesota Rule 7007.0150, Subpart 1.
14. The potential emissions associated with The Line 1 Filler Heater were not quantified or specified in the April 11, 1996 permit application or the November 29, 2001, and July 30, 2003, permit modification applications. CertainTeed did not submit complete permit applications which included the potential to emit calculations. This is a violation of Minnesota Rule 7007.0500, Subpart 2.C.(4).
15. Under the terms of its Title V operating permit, the Line 3 Surfacing Section was required to have a control efficiency of 99%. CertainTeed has continued to operate the equipment without a control efficiency of 99%. This is a violation of Minnesota Rule 7011.0070 Subpart 1 and Minnesota Rule 7007.0150 Subpart 1.
16. Under the terms of its Title V operating permit, the Line 3 Windseal Applicator was required to have a control efficiency of 90%. CertainTeed operated the equipment without a control efficiency of 90%. This is a violation of Minnesota Rule 7007.0150 Subpart 1.
17. The Line 3 Nail Guide Paint Application was not included in the Title V operating permit for the facility issued April 4, 1996, or in any subsequent amendments to that permit. Therefore CertainTeed has been operating the Line 3 Nail Guide Paint Application without a permit. This is a violation of Minnesota Rule 7007.0150, Subpart 1.
18. The potential emissions associated with Line 3 Nail Guide Paint Application were not quantified or specified in the November 29, 2001, and July 30, 2003, permit modification

applications. CertainTeed did not submit complete permit applications which included the potential to emit calculations. This is a violation of Minnesota Rule 7007.0500, Subpart 2.C.(4).

9/19/05
Date

ASJ *ALBING*
Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-05-MN-22, by Certified Mail, Return Receipt Requested, to:

Ed L. Foster, Manufacturing Manager
CertainTeed Corporation
3303 East Fourth Street
Shakopee, MN 55379

I also certify that I sent copies of the Notice of Violation by first class mail to:

Ann Foss, Enforcement Manager
Environmental Control
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

Lauren P. Alterman, Associate General Counsel
Saint-Gobain Corporation
750 East Swedesford Road
Valley Forge, Pennsylvania 19482

on the 20th day of September, 2005.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000590256626