

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CERTAINTEED CORPORATION

AI # 3063

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Settlement Tracking No.**
* **SA-AE-23-0064**
*
* **Enforcement Tracking Nos.**
* **AE-PP-18-00735**
* **AE-PP-18-00735A**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between CertainTeed LLC (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”). CertainTeed LLC is the successor in interest to CertainTeed Corporation for certain rights and liabilities, including those relating to the violations, enforcement actions and related claims within the scope of this settlement.

I

Respondent is a limited liability corporation that owned and/or operated a polyvinyl chloride polymer plant facility located in Westlake, Calcasieu Parish, Louisiana (“the Facility”).

II

On March 25, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-18-00735 (Exhibit 1).

On January 25, 2021, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement Tracking No. AE-PP-18-00735A (Exhibit 2).

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

Air Violations

1. The Respondent failed to strip the vinyl chloride monomer (VCM) to 10ppmw. Specifically, the Respondent reported 241 exceedances between June 5, 2015 and April 17, 2016. Each exceedance of the permit limit is a violation of Minor Source Air Permit No. 0520-00025-06, 40 CFR 61.67(g)(5)(ii) incorporated by reference in LAC 33:III.5116, LAC 33:III.501.C.6, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and La. R.S. 30:2057(A)(2).

2. The Respondent failed to use the required sampling method to analyze stripped resin. The Respondent is required to use Method 107 to determine the concentration of vinyl chloride in stripped resin daily. In correspondence dated September 20, 2019, the Respondent reported the daily stripped resin samples were analyzed for residual VCM using ASTM Method D3749 instead of Method 107. Method D3749 was used from April 2016 through December 2018. Each failure to use the required sampling method is a violation of 40 CFR 63.11960(e)(2) which language has been adopted as a Louisiana regulation in LAC 33:III.5311 and La. R.S. 30:2057(A)(2).

3. The Respondent failed to use the required sampling method to analyze process wastewater. The Respondent is required to use Method 107 to determine the concentration of vinyl chloride in process wastewater. In correspondence dated September 20, 2019, the Respondent reported the initial sampling event and three (3) annual sampling events were not conducted using Method 107 for the scrubber water effluent stream. Each failure to use the required sampling method is a violation of 40 CFR 63.11980(a)(3) which language has been adopted as a Louisiana regulation in LAC 33:III.5311 and La. R.S. 30:2057(A)(2).

4. The Respondent failed to use an approved alternative leak detection and repair (LDAR)

Program in accordance with 40 CFR 63 Subpart UU. Specifically, the Respondent stated that the leak detection programs implemented at the facility were not enhanced to meet 40 CFR 63 Subpart UU. The Respondent used a vacuum testing program that met most of the requirements of the alternative LDAR for batch processes. While most of the criteria for the alternative LDAR for batch processes were met, the specified "hold" time for the vacuum was not consistent with an approved alternative. Each failure to use an approved LDAR program which complied with the requirements of 40 CFR 63 Subpart UU is a violation of 40 CFR 63.1036.c(3)(iii), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, and La. R.S. 30:2057(A)(2).

5. The Respondent failed to operate a continuous vinyl chloride area monitoring system to sample ambient air within the facility for the detection of leaks for two (2) months. Specifically, the monitoring system failed on or about October 27, 2018. The Respondent ordered a new monitoring system and implemented a hand-monitoring system. The new monitoring system did not arrive until after the facility shut down. Failure to operate a continuous vinyl chloride area monitoring system is a violation of 40 CFR 63.11956 which language has been adopted as a Louisiana regulation in LAC 33:III.5311 and La. R.S. 30:2057(A)(2).

Water Violations

A file review conducted by the Department on or about September 22, 2020, revealed that the Respondent failed to comply with certain requirements of LPDES permit LA0041025. Specifically, a review of Discharge Monitoring Reports (DMRs) revealed that the Respondent reported exceedances of permit effluent limitations for pH, BOD, and fecal coliform. (LA0041025 (Part I, Effluent Limitations and Monitoring Requirements, pages 2-8 of 9 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D)

Date	Outfall	Parameter	Limit	DMR Value	Units
10/31/2018	01A-A	pH --- INST MAX	9	9.5	SU
01/31/2019	01A-A	BOD, 5-day, 20 deg. C --- MO AVG	32	37.56	lb/d
05/31/2019	101-A	Coliform, fecal general --- DAILY MX	400	6595	#/100mL

06/30/2019	01A-A	pH --- INST MIN	6	5.6	SU
	101-A	Coliform, fecal general --- MOAV GEO	200	4082	#/100mL
		Coliform, fecal general --- DAILY MX	400	4082	#/100mL
10/31/2019	01A-A	BOD, 5-day, 20 deg. C --- MO AVG	32	42.11	lb/d

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$525,000.00), of which Two Thousand Nine Hundred Twenty-Four and 23/100 Dollars (\$2,924.23) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the permit record(s), the Notice of Potential Penalty, Amended Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This Settlement Agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and Settlement Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Calcasieu Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. Payments are to be made by check or electronic funds transfer (ETF), payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

CERTAINTEED LLC

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 

Jerrie "Jerry" Lang, Assistant Secretary

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accountant Administrator

Payment # _____

Respondent: CertainTeed LLC

Settlement No: SA-AE-23-0064

Enforcement Tracking No(s): AE-PP-18-00735, AE-PP-18-00735A

Payment Amount: \$525,000.00

AI Number(s): 3063

Alternate ID No(s):

TEMPO Activity Number: ENF20190001

**For Official Use Only.
Do Not write in this Section.**

Check Number:

Check Date:

Check Amount:

Received Date:

PIV Number:

PIV Date:

**Stamp "Paid" in the box to the right
and initial.**

**Route Completed form to:
Angela Marse, Administrator
Enforcement Division**

**And copy Jay L. Glorioso
Legal Division**

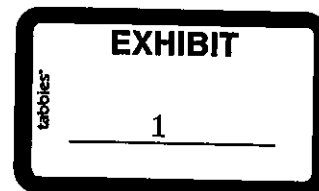


JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 25, 2019



CERTIFIED MAIL (7017 0530 0000 5978 9258)
RETURN RECEIPT REQUESTED

CERTAINTEED CORPORATION

c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-18-00735
AGENCY INTEREST NO. 3063**

Dear Sir/Madam:

On or about January 29, 2019 and March 20, 2019, file reviews of **LAKE CHARLES POLYMER PLANT**, a polyvinyl chloride polymer plant, owned and/or operated by **CERTAINTEED CORPORATION (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 3300 Pete Manena Road in Westlake, Calcasieu Parish, Louisiana. Correspondence dated January 15, 2019 stated the Respondent ceased polyvinyl chloride (PVC) resin manufacturing operations at the plant on January 2, 2019. The facility previously operated under the following air quality permits:

Permit No.	Issue Date
0520-0025-00	12/16/1987
0520-0025-01	02/09/1993
0520-0025-02	01/12/1995
0520-0025-03	11/17/1997
0520-0025-04	09/21/2000
0520-0025-05	09/29/2005
0520-0025-06	10/07/2011
0520-0025-06 Administratively Amended	07/27/2015

On April 17, 2012, the United States Environmental Protection Agency (EPA) promulgated the amended National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations for PVC and copolymer production in new and existing area sources as described in 40 CFR 63 Subpart DDDDDD and 40 CFR 63 Subpart HHHHHHH. In accordance with 40 CFR 63 Subpart DDDDDD and 40 CFR 63 Subpart HHHHHHH, known as the Polyvinyl Chloride and Copolymers Production Generally

CertainTeed Corporation
 AE-PP-18-00735
 Page 2

Available Control Technology (PVC GACT) for area sources and PVC maximum achievable control technology (PVC MACT) for major sources, respectively, all new and existing PVC and copolymer production facilities must comply with the new emission limit and standard of 7.1 parts per million by weight (ppmw) vinyl chloride (VC) from stripped resins and sources producing bulk resin, by April 17, 2015.

Table 1 contains 2015-2018 PVC GACT Compliance Reports that were submitted by the Respondent to the Louisiana Department of Environmental Quality (the Department). Table 1 also shows the number of days of operation per month and the number of days VC emissions from stripped resins were greater than 7.1 ppmw.

Table 1. Summary of 2015-2018 PVC GACT Compliance Reports:

Report Date	Year of Operation	Monthly Operation	PVC GACT Reports	Number of Days of Operation per Month	No. of Days VC > 7.1 ppm	Total Number of Days VC > 7.1 ppm
7/30/2018	2018	January	2018 1 st Semiannual Compliance Report	3	2	304 of 307
		February		25	25	
		March		31	31	
		April		23	23	
		May		31	31	
		June		30	30	
1/30/2019	2018	July	2018 2 nd Semiannual Compliance Report	31	31	
		August		31	30	
		September		30	30	
		October		31	31	
		November		24	24	
		December		17	16	
7/31/2018	2017	January	2017 1 st Semiannual Compliance Report	22	22	220 of 315
		February		10	10	
		March		28	27	
		April		30	29	
		May		28	24	
		June		16	15	
2/9/2018	2017	July	2017 2 nd Semiannual Compliance Report	31	14	
		August		30	17	
		September		28	11	
		October		31	20	
		November		30	6	
		December		31	25	
6/26/2017	2016	January	2016 1 st Semiannual Compliance Report	30	30	299 of 318
		February		29	29	
		March		21	20	
		April		30	28	
		May		31	30	
		June		24	23	
6/26/2017	2016	July	2016 2 nd Semiannual Compliance Report	31	30	
		August		25	21	
		September		16	12	
		October		28	27	
		November		30	27	
		December		23	22	
6/26/2017	2015	April	2015 1 st Semiannual Compliance Report	14	7	212 of 237
		May		25	9	
		June		30	29	
6/26/2017	2015	July	2015 2 nd Semiannual Compliance Report	31	31	
		August		31	31	
		September		29	29	
		October		20	19	
		November		26	26	
		December		31	31	

CertainTeed Corporation
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While the investigation by the Department is not yet complete, the following violations were noted during the course of the file reviews:

- A. The Respondent exceeded the emission limit of 7.1 ppm VC from stripped resins during the period of 2015 through 2018, as shown in Table 1. The Respondent exceeded the emission limit for 212 days in 2015, 299 days in 2016, 220 days in 2017, and 304 days in 2018. Each exceedance is a violation of 40 CFR 63.11142(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. The Respondent failed to submit the PVC GACT semiannual compliance reports in a timely manner. Specifically, the Respondent submitted the following compliance reports in an untimely manner:

Reports	Date Submitted	Report Due Date	Number of Days Late
2015 1st Semiannual	6/26/2017	7/31/2015	696
2015 2nd Semiannual	6/26/2017	1/31/2016	512
2016 1st Semiannual	6/26/2017	7/31/2016	330
2016 2nd Semiannual	6/26/2017	1/31/2017	146
2017 2nd Semiannual	2/12/2018	1/31/2018	12

Each failure to submit the semiannual compliance report by the due date is a violation of 40 CFR 63.11985 as referenced in 40 CFR 63.10(e)(3), which language has been adopted as a Louisiana regulation in LAC 33:III.5311 and La. R.S. 30:2057(A)(2).

- C. The Respondent failed to submit Notice of Compliance Status (NOCS) report within 60 days after the initial performance tests of the facility's process vent and control device. In the PVC MACT 2016 2nd Semiannual Compliance report dated April 25, 2017, the Respondent stated that to demonstrate compliance with all batch process vent emission limits, the initial performance test for Thermal Oxidizer A (EQT 0007) was performed on the week of August 6, 2015. Additionally, to establish operating parameter limits for continuous compliance, the initial performance test for EQT 0007 was performed on March 31, 2016. To date, the Respondent has not submitted the NOCS for the 2015 and the 2016 initial tests, which were due on October 5, 2015, and May 30, 2016, respectively. This is a violation of 40 CFR 63.11985 as referenced in 40 CFR 63.9(h), which language has been adopted as a Louisiana regulation in LAC 33:III.5311 and La. R.S. 30:2057(A)(2).

CertainTeed Corporation
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Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Dr. Jacqueline Prudente at (225) 219-3347 or jacqueline.prudente@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

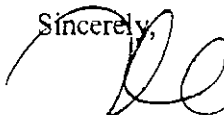
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

CertainTeed Corporation
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To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,




Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/JAP/jap
Alt ID No. 0520-00025

c: CertainTeed Corporation
c/o Terry Clark, Plant Manager
Lake Charles Polymer Plant
3300 Pete Manena Road
Westlake, LA 70669

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	AE-PP-18-00735	Contact Name	Dr. Jacqueline Prudente
Agency Interest (AI) No.	3063	Contact Phone No.	(225) 219-3347
Alternate ID No.	0520-00025		
Respondent:	CERTAINEED CORPORATION	Facility Name:	Lake Charles Polymer Plant
	c/o C T Corporation System	Physical Location:	3300 Pete Manena Road
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Westlake, LA 70669
	Baton Rouge, LA 70816	Parish:	Calcasieu

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

_____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00735), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00735), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • <i>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</i>
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00735) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Dr. Jacqueline Prudente



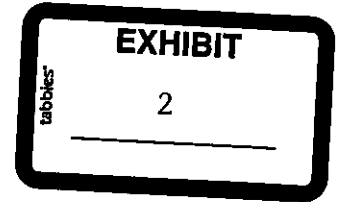
JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 25, 2021

CERTIFIED MAIL (7020 1810 0000 5261 0027)
RETURN RECEIPT REQUESTED



CERTAINTeed CORPORATION
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: AMENDED NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-18-00735A
AGENCY INTEREST NO. 3063**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED NOTICE OF POTENTIAL PENALTY** is hereby served on **CERTAINTeed CORPORATION (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Courtney Tolbert at 225-219-3347 or courtney.tolbert@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/CJT/cjt
Alt ID No. 0520-00025
Attachment

c: Saint-Gobain Corporation
c/o Brett Slensky
20 Moores Road
Malvern, PA 19355

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
CERTAINEED CORPORATION	*	ENFORCEMENT TRACKING NO.
CALCASIEU PARISH	*	
ALT ID NO. 0520-00025	*	AE-PP-18-00735A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	3063
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

AMENDED NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-18-00735** issued to **CERTAINEED CORPORATION (RESPONDENT)** on March 25, 2019, in the above-captioned matter as follows:

I.

The Department hereby amends Table 1, paragraph A, and paragraph C to read as follows:

“Table 1 contains 2016-2018 PVC GACT Compliance Reports that were submitted by the Respondent to the Department. Table 1 also shows the number of days of operation per month and the number of days Vinyl Chloride (VC) emissions from stripped resins were greater than 7.1 parts per million by weight (ppmw).

Table 1						
Report Date	Year of Operation	Monthly Operation	PVC GACT Reports	No. of Days of Operation per Month	No. of Days VC > 7.1 ppm	Total No. of Days VC > 7.1 ppm
6/26/2017	2016	April	2016 1* Semiannual Compliance Report	13*	13	205 of 221
		May		31	30	
		June		24	23	

6/26/2017	2016	July	2016 2 nd Semiannual Compliance Report	31	30	
		August		25	21	
		September		16	12	
		October		28	27	
		November		30	27	
		December		23	22	
7/31/2018	2017	January	2017 1 st Semiannual Compliance Report	22	22	220 of 315
		February		10	10	
		March		28	27	
		April		30	29	
		May		28	24	
		June		16	15	
2/9/2018	2017	July	2017 2 nd Semiannual Compliance Report	31	14	
		August		30	17	
		September		28	11	
		October		31	20	
		November		30	6	
		December		31	25	
7/30/2018	2018	January	2018 1 st Semiannual Compliance Report	3	2	303 of 307
		February		25	25	
		March		31	31	
		April		23	23	
		May		31	31	
		June		30	30	
1/30/2019	2018	July	2018 2 nd Semiannual Compliance Report	31	30	
		August		31	30	
		September		30	30	
		October		31	31	
		November		24	24	
		December		17	16	

*following the end of the compliance extension on April 17, 2016

A. The Respondent exceeded the emission limit of 7.1 ppmw VC from stripped resins during the period of 2016-2018, as shown in Table 1. The Respondent exceeded the emission limit for 205 days in 2016, 220 days in 2017, and 303 days in 2018. Each exceedance is a violation of

40 CFR 63.11142(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. The Respondent failed to submit Notice of Compliance Status (NOCS) report within 60 days after the performance tests of the facility's process vent and control device. The performance test to establish operating parameter limits for continuous compliance was performed on March 31, 2016, for Thermal Oxidizer A (EQT 0007). On or about August 8, 2017, the Department received the 2016 NOCS Report dated April 25, 2017. The late submittal of the NOCS report is a violation of 40 CFR 63.11985 as referenced in 40 CFR 63.9(h), which language has been adopted as a Louisiana regulation in LAC 33:III.5311, and La. R.S. 30:2057(A)(2)."

II.

The Department incorporates all of the remainder of the original **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-18-00735** and **AGENCY INTEREST NO. 3063** as if reiterated herein.

III.

This **AMENDED NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 25th day of January, 2021.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Courtney Tolbert