



Jolly, Becky &lt;becky.jolly@dnr.iowa.gov&gt;

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**RE: CertainTeed Gypsum EC Draft**

1 message

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**Jensen, Kevin** <KJensen@scsengineers.com>

Fri, Jun 28, 2024 at 9:54 AM

To: "Smith, Mike" &lt;mike.smith@dnr.iowa.gov&gt;

Cc: "Kalaycigil, Fatih" &lt;fatih.kalaycigil@saint-gobain.com&gt;, Becky Jolly &lt;becky.jolly@dnr.iowa.gov&gt;

Mike,

Here is what I received from CertainTeed.

The name change documents evidence ownership of the property by CertainTeed Gypsum and Ceiling Manufacturing, Inc. by name change. It is the same company, just the name changed. The current deed lists BPB Acquisition Inc., however, the name change documents bring the name current so that an officer of CertainTeed Gypsum and Ceiling Manufacturing, Inc. can sign the documents.

Attached please find:

1. The deed evidencing BPB Acquisition Inc.'s ownership
2. The Delaware filings evidencing the name change from BPB Acquisition Inc. to BPB Manufacturing Inc. to CertainTeed Gypsum and Ceiling Manufacturing, Inc. in its state of formation
3. Iowa's SOS Online Information evidencing the name change in the State of Iowa, as a foreign registration

Please let us know if you require anything further. We can provide a Secretary Certificate certifying the name change documents, if that helps.

Thank you,

Kevin A. Jensen

Project Manager

SCS Engineers

[1690 All-State Court, Suite 100](#)[West Des Moines, Iowa 50265](#)

515-368-3155 (C)

515-631-6154 (O)

[kjensen@scsengineers.com](mailto:kjensen@scsengineers.com)**Driven by Client Success**[www.scsengineers.com](http://www.scsengineers.com)

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**From:** Jensen, Kevin  
**Sent:** Thursday, June 27, 2024 2:41 PM  
**To:** Smith, Mike <[mike.smith@dnr.iowa.gov](mailto:mike.smith@dnr.iowa.gov)>  
**Cc:** Kalaycigil, Fatih <[fatih.kalaycigil@saint-gobain.com](mailto:fatih.kalaycigil@saint-gobain.com)>; Becky Jolly <[becky.jolly@dnr.iowa.gov](mailto:becky.jolly@dnr.iowa.gov)>  
**Subject:** RE: CertainTeed Gypsum EC Draft

Mike,

Attached is the updated version and evidence of name change from BPB Acquisition to BPB Manufacturing to CertainTeed Gypsum and Ceiling Manufacturing, Inc. I will follow up with the proof of ownership.

Thank you,

Kevin A. Jensen

Project Manager

SCS Engineers

[1690 All-State Court, Suite 100](#)

[West Des Moines, Iowa 50265](#)

515-368-3155 (C)

515-631-6154 (O)

[kjensen@scsengineers.com](mailto:kjensen@scsengineers.com)

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[www.scsengineers.com](http://www.scsengineers.com)

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**From:** Jensen, Kevin  
**Sent:** Tuesday, June 25, 2024 11:53 AM  
**To:** Smith, Mike <[mike.smith@dnr.iowa.gov](mailto:mike.smith@dnr.iowa.gov)>  
**Cc:** Kalaycigil, Fatih <[fatih.kalaycigil@saint-gobain.com](mailto:fatih.kalaycigil@saint-gobain.com)>; Becky Jolly <[becky.jolly@dnr.iowa.gov](mailto:becky.jolly@dnr.iowa.gov)>  
**Subject:** CertainTeed Gypsum EC Draft

Mike,

Attached is the complete draft of the environmental covenant with survey for the CertainTeed Gypsum North Reclaim Pile.

Please let us know if you have any questions or comments.

Thank you,

Kevin A. Jensen

Project Manager

SCS Engineers

[1690 All-State Court, Suite 100](#)

[West Des Moines, Iowa 50265](#)

515-368-3155 (C)

515-631-6154 (O)

[kjensen@scsengineers.com](mailto:kjensen@scsengineers.com)

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[www.scsengineers.com](http://www.scsengineers.com)

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**3 attachments**



**Fort Dodge, IOWA Deed and Addl Information.pdf**  
473K



**Name Change - BPB Acquisition Inc. to CTGCM.pdf**  
85K



**Iowa Secretary of State CTGCM Online Information.pdf**  
157K

42.00

AV\*

Webster County  
Judy R. Cosgrove, Recorder  
Instrument #2011-04290  
08/26/2011 @02:02 PM  
AFFN AFFT NON TRANSE # Pages: 8  
Total Fees: \$42.00

Prepared By: Emily A. Klein, Saint-Gobain Corporation, 4300 W. Cypress St., Suite 500, Tampa, FL 33607  
813-286-3936  
Return to: Emily A. Klein, Saint-Gobain Corporation, 4300 W. Cypress St, Suite 500, Tampa, FL 33607  
Taxpayer: BPB Acquisition Inc. n/k/a CertainTeed Gypsum and Ceiling Manufacturing, Inc.  
4300 W. Cypress St., Suite 500, Tampa, FL 33607

AFFIDAVIT

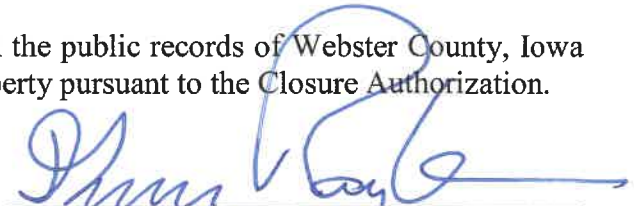
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, D. Lawrence Rayburn, Secretary of CertainTeed Gypsum and Ceiling Manufacturing, Inc. (f/k/a BPB Acquisition Inc.) a Delaware corporation ("CertainTeed Gypsum"), having first been duly sworn, states as follows:

1. CertainTeed Gypsum is the present owner of certain real property located in the County of Webster, State of Iowa, and legally described as the SE ¼ of Section 27, Township 89 North, Range 28 West, Webster County, Iowa (the "Property").
2. The Property is a portion of certain other real property owned by CertainTeed Gypsum in the County of Webster, State of Iowa, and legally described in that certain Corrective Warranty Deed dated November 17, 2000, and recorded on December 4, 2000, with the Webster County, Iowa Recorder's Office as Instrument No. 2000 7757, attached hereto as Exhibit "A".
3. CertainTeed Gypsum's predecessor-in-interest in approximately 1976 began maintaining a large pile of reclaimed processed gypsum wallboard materials on the Property ("North Reclaim Pile"), until 1996 when it installed reclamation equipment. The North Reclaim Pile currently has approximately 100,000 tons of waste wallboard.
4. The North Reclaim Pile is the subject of a Site Closure and Post-Closure Authorization (DNR ID#94-SDP-10-09X) as stated in a letter dated November 25, 2009, from the State of Iowa, Department of Natural Resources to Steven P. Klinkefus, CertainTeed Gypsum, attached hereto and incorporated herein, as Exhibit "B" ("Closure Authorization").

5. CertainTeed Gypsum has performed closure activities on the Property in accordance with the Closure Authorization.
6. This affidavit is being filed and recorded in the public records of Webster County, Iowa to disclose the historical purpose of the Property pursuant to the Closure Authorization.

  
\_\_\_\_\_  
D. Lawrence Rayburn

Subscribed and sworn to before me this 25<sup>th</sup> day of August, 2011, by D. Lawrence Rayburn, who is personally known to me.

  
\_\_\_\_\_  
Notary Public

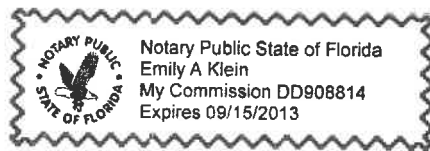


Exhibit "A"  
3-235-18

THE IOWA STATE BAR ASSOCIATION  
Official Form No. 104

Neal K. Westin ISBA # D016279

FOR THE LEGAL EFFECT OF THE USE OF  
THIS FORM, CONSULT YOUR LAWYER

STATE OF IOWA )  
Webster County )  
Entered for Taxation )  
6 am monthly  
alamooper  
AUDITOR  
DEPUTY

INSTRUMENT NO. **2000 7757**  
WEBSTER COUNTY, IOWA  
FILED FOR RECORD  
**DEC 04 2000** AT **11:00** A.M.  
JUDY R. COBBROVE, RECORDER  
BY JRC Deputy  
Recording Fee \$ 15.00  
Auditor's Transfer Fee \$ 10.00  
Surcharge \$ 1.00

Preparer Information: Neal K. Westin, 700 Walnut, Suite 1600, Des Moines, Iowa 50309, (515) 283-3100  
Individual's Name: \_\_\_\_\_ Street Address: \_\_\_\_\_ City: \_\_\_\_\_ Phone: \_\_\_\_\_



Address Tax Statement: BPB Westroc Inc.  
2424 Lakeshore Road West  
Mississauga, Ontario, Canada L5J1K4  
**CORRECTIVE WARRANTY DEED**  
(CORPORATE GRANTOR)

SPACE ABOVE THIS LINE  
FOR RECORDER

For the consideration of One  
Dollar(s) and other valuable consideration,  
Celotex Corporation, f/k/a The Celotex Corporation  
a corporation organized and existing under the laws of  
Delaware  
does hereby Convey to  
BPB Acquisition, Inc.

the following described real estate in Webster County, Iowa:

See Attached Exhibit "A", except for the Permitted Encumbrances as described on Exhibit "B"

The purpose of this Corrective Warranty Deed is to add a parcel that was inadvertently omitted from the legal description for the prior conveyance recorded on 8/2/90 with the Webster County, Iowa Recorder's Office as Instrument No. 2000 4908. Tax was paid on the amount of \$3,693,685.00 at the time of the previous conveyance and this valuation includes all property located at 2109 Quail Avenue, which includes the omitted legal description contained in Exhibit A herein.

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Celotex Corporation, f/k/a The Celotex Corporation  
a Delaware Corporation

Dated: 11-17-00

By [Signature] President Title

By [Signature] Secretary Title

STATE OF Ohio COUNTY, ss: Hamilton  
On this 24 day of July, 2000 before me, the undersigned, a Notary Public in and for said State, personally appeared John P. Borroea and George N. Wood to me personally known, who being by me duly sworn, did say that they are the President and V.P. Gen. Counsel and Secretary, respectively, of said corporation; that (no seal has been procured by the said) (the seal affixed thereto is the seal of said) corporation that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said President and Secretary



JODY T. KLEKAMP, Attorney at Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date, Section 147.03 O.R.C.

Jody T. Klekamp  
Notary Public

MC 26 25607-BH

EXHIBIT "A"  
PARCEL I

The Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of Section Thirty-four (34), Township Eighty-nine (89) North, Range Twenty-eight (28), West of the Fifth Principal Meridian, Webster County, Iowa, excepting therefrom, the railroad right-of-way as presently located across said land, and except highways of record.

PARCEL II

The SE 1/4 of Section 27, Township 89 North, Range 28 West of the 5th P.M., Webster County, Iowa, EXCEPT all that part of the East 1161.91 feet of the E 1/2 of the SE 1/4 of said Section 27, lying East and South of the Railway Easement recorded in Mortgage Record Book 305, page 168.

AND

All that part of the SW 1/4 of Section 27, Township 89 North, Range 28 West of the 5th P.M., Webster County, Iowa, lying Northeasterly of the right-of-way of the Chicago Great Western Railroad Company, EXCEPT the North 898 feet of such part, and EXCEPT the South 300 feet of such part.



Exhibit "B"

## STATE OF IOWA

CHESTER J. CULVER, GOVERNOR  
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

November 25, 2009

Steven P. Klinkefus, Environmental Coordinator  
CertainTeed  
2109 Quail Avenue  
Fort Dodge, IA 50501-8567

Re: CertainTeed Gypsum Facility  
Site Closure and Post-Closure Authorization  
DNR ID #94-SDP-19-09X

Dear Mr. Klinkefus:

This correspondence constitutes the Closure and Post-Closure Authorization for the CertainTeed Gypsum Facility, located in Fort Dodge, Iowa. This authorization is being given in lieu of the issuance of a formal site closure permit. The closure authorization and any approved plans and specifications must be kept on file at the facility. Please review the closure authorization with your operators, as they must become familiar with it.

The Department, hereby, authorizes implementation of closure of the North Reclaim Pile of gypsum as follows:

### Legal Description

The North Reclaim Pile is located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Sec. 27, T89N, R28W; and the NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Sec. 27, T89N, R28W.

### Site Ownership

CertainTeed officials shall submit proof of ownership of the property on which the North Reclaim Pile is located. The deed or other legal document shall be submitted with the final closure report.

For abstract purposes, CertainTeed shall amend the deed so that any future owners are aware of the historical use of the property and that closure activities were performed on the North Reclaim Pile in accordance with this authorization.

### Authorization to place cover on the North Reclaim Pile

CertainTeed is hereby authorized to place cover on the North Reclaim Pile at the described location.



The gypsum pile may be pushed into as small an area as possible, while maintaining a maximum slope of 25%, prior to placement of the cover soil.

The cover shall be a minimum of 12 inches of compacted soil; plus a vegetative layer capable of supporting vegetation.

### **Grading and Erosion Control**

CertainTeed shall monitor the final cover and vegetation on a monthly basis for the first year, until vegetation is well established.

Diversion and drainage structures must be maintained to prevent run-on and runoff erosion, or other damage to the final cover. Use of any diversion and drainage structures must be designed to meet a 25-year, 24 hour rainfall event.

The vegetative cover shall be reseeded as necessary to maintain good vegetative growth. Any invading vegetation whose root system could damage the compacted soil layer shall be removed or destroyed immediately.

The integrity and effectiveness of the cover must be maintained by making repairs as necessary to correct the effects of seeps, settling, subsidence, erosion, ponding, or other damaging events. If damage to the final cover compacted soil layer occurs, repairs shall be made to correct the damage and return it to original specifications.

### **Hydrologic Monitoring System Plan**

At least one upgradient/background monitoring well, one downgradient monitoring well; and surface water monitoring points, shall be installed to determine if groundwater contamination is leaving the site.

CertainTeed officials shall design a hydrologic monitoring system plan to intercept the groundwater and surface water flow paths from the site. The plan shall include proposed locations and depths for monitoring wells.

Also, the permit holder shall identify the chemical parameters that could potentially leach from the landfill into the groundwater by conducting leaching tests on the wastes place in the fill area; or by analyzing leachate collected from the site.

Baseline quarterly sampling and analysis shall take place initially for the detected chemical parameters, followed by at least semiannual testing until further directed by the Department.

An annual report summarizing the effect of the facility on groundwater and surface water quality shall be submitted to the department by December 31 each year. The summary is to be prepared by an engineer registered in the state of Iowa.

For each parameter analyzed the mean and standard deviation for each upgradient monitoring well shall be determined using the first year of data.

For routine semiannual monitoring, the mean and standard deviation shall be recalculated annually using all available analytical data. If the analytical results for a downgradient monitoring point does not fall within the control limits of two standard deviations above the mean parameter(s) level in a corresponding upgradient monitoring point, further site assessment may be necessary.

#### **Gypsum Storage Area Site Characterization**

The *Work Plan- Mitigation Activities and Environmental Site Characteristic Study*, dated March 31, 2009, as submitted by CertainTeed, shall be kept at the facility for reference purposes. A copy will also be kept on file with the Department.

#### **Future Mining of Gypsum from North Reclaim Pile**

In the event that CertainTeed proposes to reclaim the gypsum from the North Reclaim Pile, the Department shall be notified and a plan submitted for review and approval before any disturbance of the cover or excavation is implemented.

#### **Duties of Authorization**

The issuance of this closure authorization in no way relieves the applicant of the responsibility for complying with all other local, state, and federal statutes, ordinances, and rules or other requirements applicable to the closure and maintenance of this area.

Issuance of this closure authorization prohibits any additional stockpiling of gypsum waste in the North Reclaim Pile area unless it is specifically approved by this Department.

No legal or financial responsibility arising from the closure and post closure of the approved project shall attach to the State of Iowa or the Department of Natural Resources due to the issuance of this authorization.

#### **Final Report**

CertainTeed officials shall submit a final report, including as-builts and field test results, for placement of the North Reclaim Pile cover, as certified by a professional engineer licensed in the State of Iowa. The report shall certify that the closure has been completed in compliance with the closure authorization. Permanent surveying monuments must be identified by a registered land surveyor from which the location and elevation of the covered gypsum, and monitoring facilities can be determined throughout the postclosure period.

The final report shall be submitted within 30 days of the North Reclaim Pile closure completion.

The site shall be inspected annually by a professional engineer licensed in Iowa, until otherwise directed by the Department. A summary of the conformance and nonconformance with the closure authorization shall be submitted by December 31 each year.

If you have any questions, you may contact me at (515) 281-8986.

Sincerely,

*Nina M. Koger*

Nina M. Koger  
Environmental Engineer Senior  
Land Quality Bureau

NK:nmf

cc: Field Office 2

GES  
1285 Corporate Center Drive  
Suite 120  
Eagan, MN 55121

## Business Entity Summary

- [Summary](#)
- [Address](#)
- [Agent](#)
- [Filings](#)
- [Names](#)
- [Officers](#)
- [Stock](#)
- [Protected Series](#)
- [Search Again](#)

[Print Certificate of Registration](#)

Searched: **CertainTeed Gypsum**

<b>Business No.</b>	<b>Legal Name</b>	<b>Status</b>
243244	CERTAINTEED GYPSUM AND CEILING MANUFACTURING, INC.	Active
<b>Type</b>	<b>State of Inc.</b>	<b>Modified</b>
Legal	DE	No
<b>Expiration Date</b>	<b>Effective Date</b>	<b>Filing Date</b>
PERPETUAL	7/26/2000 1:31 PM	7/26/2000 1:31 PM
<b>Chapter</b>		
CODE 490 FOREIGN PROFIT		

## Names (Viewing 3 of 3)

<b>Type</b>	<b>Status</b>	<b>Modified</b>	<b>Name</b>
Legal	Active	No	CERTAINTEED GYPSUM AND CEILING MANUFACTURING, INC.
Legal	Inactive	No	BPB ACQUISITION, INC.
Legal	Inactive	No	BPB MANUFACTURING, INC.

## Registered Agent or Reserving Party

<b>Full Name</b>	
C T CORPORATION SYSTEM	
<b>Address</b>	<b>Address 2</b>
400 E COURT AVE	
<b>City, State, Zip</b>	
DES MOINES, IA, 50309	

## Home Office

<b>Full Name</b>	
<b>Address</b>	<b>Address 2</b>
20 MOORES RD	
<b>City, State, Zip</b>	
MALVERN, PA, 19355	

[↑ Back to Top](#)

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BPB MANUFACTURING, INC.", CHANGING ITS NAME FROM "BPB MANUFACTURING, INC." TO "CERTAINTEED GYPSUM AND CEILING MANUFACTURING, INC.", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF DECEMBER, A.D. 2006, AT 6:11 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE FIRST DAY OF JANUARY, A.D. 2007.

3236319 8100

061171159



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 5305030

DATE: 12-22-06

CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF INCORPORATION  
OF  
BPB MANUFACTURING, INC.

THE UNDERSIGNED, being the Secretary of BPB Manufacturing, Inc. (the "Corporation"), hereby certifies that:

FIRST: The name of the Corporation is BPB Manufacturing, Inc.

SECOND: The original Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on May 30, 2000.

THIRD: A Certificate of Amendment to the Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on December 17, 2002.

FOURTH: Article FIRST of said Certificate of Incorporation is hereby amended and restated as follows:

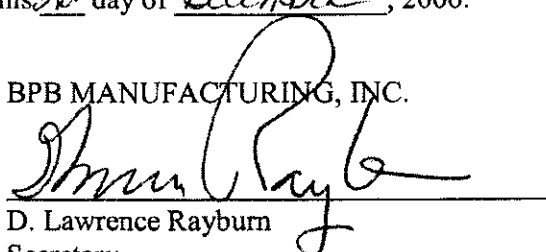
"The name of the corporation is CertainTeed Gypsum and Ceiling Manufacturing, Inc."

FIFTH: The foregoing amendment has been adopted by the directors and sole stockholder of the Corporation.

SIXTH: The foregoing amendment will be effective JANUARY 1, 2007.

IN WITNESS WHEREOF, the Secretary of the Corporation has caused this Certificate of Amendment to be issued this 20<sup>th</sup> day of DECEMBER, 2006.

BPB MANUFACTURING, INC.

  
\_\_\_\_\_  
D. Lawrence Rayburn  
Secretary

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BPB ACQUISITION, INC.", CHANGING ITS NAME FROM "BPB ACQUISITION, INC." TO "BPB MANUFACTURING, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF DECEMBER, A.D. 2002, AT 5:30 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

3236319 8100

AUTHENTICATION: 2155511

020778481

DATE: 12-18-02

CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF INCORPORATION  
OF  
BPB ACQUISITION, INC.

THE UNDERSIGNED, being the Secretary of BPB Acquisition, Inc. (the "Corporation"), hereby certifies that:

FIRST: The name of the Corporation is BPB Acquisition, Inc.

SECOND: The original Certificate of Incorporation was filed with the Secretary of State of the State of Delaware on May 30, 2000.

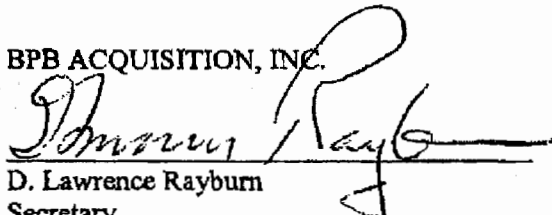
THIRD: Article FIRST of said Certificate of Incorporation is hereby amended and restated as follows:

"The name of the corporation is BPB Manufacturing, Inc."

FOURTH: The foregoing amendment has been adopted by the directors and sole stockholder of the Corporation.

IN WITNESS WHEREOF, the Secretary of the Corporation has caused this Certificate of Amendment to be issued this 17 day of DECEMBER, 2002.

BPB ACQUISITION, INC.

  
D. Lawrence Rayburn  
Secretary