FILED
Sep 14, 2026
1:40 pm
U.S. EPA REGION 4
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

EXPEDITED SETTLEMENT AGREEMENT

DOCKET NO: CAA-04-2026-0017(b)

This Expedited Settlement Agreement is issued to:

Waffle House, Inc.
5986 Financial Drive
Norcross, Georgia 30071

For an alleged violation of monitoring, reporting, and/or recordkeeping requirements in 40 C.F.R. Part 61, Subpart M (National Emission Standard for Asbestos) and Section 112 of the Clean Air Act.

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 4, Director of the Enforcement and Compliance Assurance Division (Complainant), and by Waffle House, Inc. (Respondent) (collectively, the Parties), pursuant to Section 113(d) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(d), and pursuant to 40 C.F.R. §§ 22.13(b) and 22.18.

ALLEGED VIOLATION

Based on information acquired from an inspection of the Facility and communications with the Respondent regarding the renovation activity that occurred at 1395 Highlands Ridge Road, Southeast, Smyrna, Georgia, 30082 (the Facility), the EPA alleges that Respondent violated Section 112 of the CAA, 42 U.S.C. § 7412, and 40 C.F.R. Part 61 Subpart M. Specifically, the EPA alleges the Respondent failed to conduct a thorough inspection for asbestos-containing materials prior to beginning renovation activity, as required by 40 C.F.R. § 61.145(a). The renovation occurred on or about June 29, 2026, through July 28, 2026.

SETTLEMENT

In consideration of such factors as Respondent's size, its full compliance history, its good faith efforts to comply, the duration and seriousness of the violation, and other factors as justice may require, the Parties enter into this ESA to settle the violation cited above, for the total penalty amount of **$5,425.**

Within thirty (30) calendar days of receiving a copy of the fully executed ESA, Respondent shall: (1) pay the penalty and (2) send proof of payment as described below.

1. **Pay Penalty**

Pay using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa.

When making a payment, Respondent shall identify every payment with Respondent's name and the docket number of this ESA, CAA-04-2026-0017(b).

2. **Send Proof of Payment**

Concurrently with any payment or within 24 hours of any payment, Respondent shall **send proof of such payment** to the following persons:

Regional Hearing Clerk
R4_Regional_Hearing_Clerk@epa.gov

and

Pamela Storm
Case Development Officer
Storm.Pamela@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
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.

The penalty specified in this ESA shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of state or federal taxes.

This settlement is subject to the following terms and conditions: the Respondent by signing below admits that EPA has jurisdiction over the subject matter alleged in this ESA, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above; Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA and Final

Order or otherwise contest the allegations contained in this ESA; and each party to this action shall bear its own costs and fees, if any.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that as of the date of its execution of this ESA, it is in compliance with all relevant requirements of the National Emission Standard for Asbestos regulations promulgated at 40 C.F.R. Part 61, Subpart M at the Facility.

Respondent's full compliance with this ESA shall only resolve Respondent's liability for federal civil penalties for the violation alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. The EPA also does not waive any other enforcement action for any other violations of the Act or any other statute.

Late payment of the penalty may subject Respondent to interest, administrative costs, and late payment penalties in accordance with 40 C.F.R. § 13.11.

This ESA is binding on the parties signing below. This ESA is effective upon filing with the Regional Hearing Clerk.

In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

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FOR RESPONDENT:

Signature: _____ Date: 09/10/26

Name (print): Jenny Wilson Title (print): SVP of Construction

FOR COMPLAINANT:

KERIEMA NEWMAN
Digitally signed by KERIEMA NEWMAN
Date: 2026.09.11 12:43:06 -04'00'

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

FINAL ORDER

I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

MICHELE WETHERINGTON
Digitally signed by MICHELE WETHERINGTON
Date: 2026.09.14 13:06:15 -04'00'

Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Expedited Settlement Agreement and Final Order in the matter of Waffle House, Inc., Docket No. CAA-04-2026-0017(b), were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Jonathan Waller, Esq.
Vice President & Associate General Counsel
Waffle House, Inc.
jonwaller@wafflehouse.com
770-729-5782

To EPA: Pamela Storm, Case Development Officer
Storm.Pamela@epa.gov
404-562-9197

SHANNON RICHARDSON Digitally signed by SHANNON RICHARDSON Date: 2026.09.14 13:40:59 -04'00'

Shannon L. Richardson
Regional Hearing Clerk
U.S. EPA Region 4
r4_regional_hearing_clerk@epa.gov