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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1788-IWD-E **TCEQ ID:** RN100223585 **CASE NO.:** 38638
RESPONDENT NAME: Owens Corning Insulating Systems, LLC

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Owens Corning Insulating Systems Waxahachie Plant, located at 3700 North Interstate Highway 35 East, adjacent to the east side of Interstate Highway 35 East, approximately one mile north of the intersection of Interstate Highway 35 East and United States Highway 287, north of Waxahachie, Ellis County

TYPE OF OPERATION: Fiberglass wool insulation manufacturing facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 29, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Scott Myers, Vice President of Manufacturing, Owens Corning Insulating Systems, LLC, 3700 North Interstate Highway 35 East, Waxahachie, Texas 75165
 Mr. Glenn E. Haley, Waxahachie Plant Leader, Owens Corning Insulating Systems, LLC, 3700 North Interstate Highway 35 East, Waxahachie, Texas 75165
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 10, 2009</p> <p>Date of NOV/NOE Relating to this Case: October 23, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to submit complete and accurate discharge monitoring reports ("DMRs") [30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001178000, Monitoring and Reporting Requirements No. 1].</p> <p>2) Failure to comply with permit effluent limits for ammonia nitrogen and chemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0001178000, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$19,054</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$19,054</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Human health or the environment has been exposed to pollutants which exceed levels that are protective.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the revised DMRs for the monitoring periods ending March 31, 2009 and April 30, 2009 on November 9, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001178000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations.</p>

Additional ID No(s): WQ0001178000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	26-Oct-2009	Screening	3-Nov-2009	EPA Due	
	PCW	4-Nov-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Owens Corning Insulating Systems, LLC		
Reg. Ent. Ref. No.	RN100223585		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38638	No. of Violations	2
Docket No.	2009-1788-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samuel Short
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1:

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 87.0% Enhancement Subtotals 2, 3, & 7:

Notes:

Culpability No 0.0% Enhancement Subtotal 4:

Notes:

Good Faith Effort to Comply Total Adjustments Subtotal 5:

Economic Benefit 0.0% Enhancement* Subtotal 6:

Total EB Amounts	\$674
Approx. Cost of Compliance	\$10,050

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal:

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment:

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty:

DEFERRAL Reduction Adjustment:

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

PAYABLE PENALTY

Screening Date 3-Nov-2009

Docket No. 2009-1788-IWD-E

PCW

Respondent Owens Corning Insulating Systems, LLC

Policy Revision 2 (September 2002)

Case ID No. 38638

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223585

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 87%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended for having five months of self-reported effluent violations, one NOV for non-similar violations, and three Agreed Orders with denial language within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 87%

Screening Date 3-Nov-2009

Docket No. 2009-1788-JWD-E

PCW

Respondent Owens Corning Insulating Systems, LLC

Policy Revision 2 (September 2002)

Case ID No. 38638

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223585

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001178000, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit complete and accurate discharge monitoring reports ("DMR"). Specifically, the DMR parameter data pH minimum was not submitted for the monitoring periods ending March 31, 2009 and April 30, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 62

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$200

Two single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$20

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent returned to compliance on November 9, 2009.

Violation Subtotal \$180

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$354

This violation Final Assessed Penalty (adjusted for limits) \$354

Economic Benefit Worksheet

Respondent Owens Corning Insulating Systems, LLC
Case ID No. 38638
Reg. Ent. Reference No. RN100223585
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	15-Apr-2009	9-Nov-2009	0.57	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to submit complete and accurate DMRs (\$25 per report). Date required is the date the first complete DMR was due. Final date is the date the Respondent returned to compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$50		TOTAL	\$1
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Screening Date 3-Nov-2009

Docket No. 2009-1788-IWD-E

PCW

Respondent Owens Corning Insulating Systems, LLC

Policy Revision 2 (September 2002)

Case ID No. 38638

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100223585

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0001178000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permit effluent limits, as documented during a record review conducted on August 10, 2009 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 Number of violation days 62

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Two monthly events are recommended.

Good Faith Efforts to Comply

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$673

Violation Final Penalty Total \$18,700

This violation Final Assessed Penalty (adjusted for limits) \$18,700

Economic Benefit Worksheet

Respondent Owens Corning Insulating Systems, LLC
Case ID No. 38638
Reg. Ent. Reference No. RN100223585
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2009	4-Aug-2010	1.35	\$673	n/a	\$673

Notes for DELAYED costs

The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater treatment system. Date required is the first date of non-compliance. The final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$673

Effluent Limit Violation Table

table rev.

Respondent	Owens Corning Insulating Systems, LLC
ID Number(s)	TPDES Permit No. WQ0001178000
Docket Number	2009-1788-IWD-E
Ent. Coordinator	Samuel Short
Corresponds to Violation Number:	2

EFFLUENT PARAMETER

Permit Limit

	Ammonia Nitrogen Daily max.	Chemical Oxygen Demand Daily max.										
Month/Year	5 mg/L	250 mg/L										
3/31/2009	75	260										
4/30/2009	130	c										

<u>Name</u>	<u>Abbreviation</u>
milligrams per liter maximum	mg/L max.

Compliance History Report

Customer/Respondent/Owner-Operator: CN603159088 Owens Corning Insulating Systems, LLC Classification: AVERAGE Rating: 2.76

Regulated Entity: RN100223585 OWENS CORNING INSULATING SYSTEMS WAXAHACHIE PLANT Classification: AVERAGE Site Rating: 2.76

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	ED00510
	AIR OPERATING PERMITS	PERMIT	1094
	WASTEWATER	PERMIT	WQ0001178000
	WASTEWATER	PERMIT	TPDES0065749
	WASTEWATER	PERMIT	TX0065749
	AIR NEW SOURCE PERMITS	PERMIT	52569
	AIR NEW SOURCE PERMITS	PERMIT	6093
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	ED00510
	AIR NEW SOURCE PERMITS	AFS NUM	4813900005
	AIR NEW SOURCE PERMITS	PERMIT	6092
	AIR NEW SOURCE PERMITS	PERMIT	45087
	AIR NEW SOURCE PERMITS	REGISTRATION	78155
	AIR NEW SOURCE PERMITS	REGISTRATION	84211
	AIR NEW SOURCE PERMITS	REGISTRATION	84393
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD007332570
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31420
	STORMWATER	PERMIT	TXR05V224
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	ED00510

Location: located at 3700 North Interstate 35 East, adjacent to the east side of Interstate Highway 35 East, approximately one mile north of the intersection of Interstate Highway 35 East and United States Highway 287, north of Waxahachie in Ellis County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 27, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 27, 2004 to October 27, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Samuel Short Phone: (512) 239-5363

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/26/2004 ADMINORDER 2004-0074-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1, MAERT PERMIT
 Description: Failure to meet the maximum allowable emission rates for ammonia and volatile organic compounds from the V-2 and V-3 Mixing Chambers.

Effective Date: 03/06/2006

ADMINORDER 2005-1668-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: no. 6093 PERMIT

Description: Exceeded the Maximum Allowable Emissions Rate of 12 pounds per hour and 52.56 tons per year for NOx on June 10, 2005, when Owens Corning reported an emission event in which 182,000 pounds or 91 tons of NOx were released from the V-2 Incinerator mixing chamber stack, Emission Point No. 22.

Effective Date: 05/28/2006

ADMINORDER 2005-2056-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ within 24 hours of a reportable emissions event that occurred on 7/27/05.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 OP

Description: Failure to comply with particulate matter hourly rate and opacity permit limits.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/22/2004	(385200)
2	12/20/2004	(385201)
3	01/27/2005	(347654)
4	02/07/2005	(423219)
5	03/04/2005	(423213)
6	03/09/2005	(423214)
7	04/22/2005	(423215)
8	05/23/2005	(423216)
9	06/13/2005	(379623)
10	06/23/2005	(423217)
11	06/27/2005	(395262)
12	06/27/2005	(395557)
13	07/12/2005	(398520)
14	07/21/2005	(423218)
15	08/24/2005	(402795)
16	08/29/2005	(444078)
17	09/16/2005	(444079)
18	10/13/2005	(474395)
19	11/18/2005	(474396)
20	12/05/2005	(432877)
21	12/19/2005	(474397)
22	01/27/2006	(474398)
23	02/07/2006	(474393)
24	03/10/2006	(474394)
25	04/12/2006	(502232)
26	05/15/2006	(502233)
27	06/14/2006	(502234)
28	07/13/2006	(524573)
29	08/04/2006	(524574)

30	08/23/2006	(497447)
31	09/20/2006	(524575)
32	10/12/2006	(510033)
33	10/18/2006	(549536)
34	11/27/2006	(549537)
35	12/13/2006	(519654)
36	12/13/2006	(533485)
37	12/14/2006	(533145)
38	12/15/2006	(549538)
39	12/20/2006	(533588)
40	01/24/2007	(583380)
41	02/20/2007	(583375)
42	03/27/2007	(583376)
43	04/30/2007	(583377)
44	05/24/2007	(583378)
45	05/30/2007	(561766)
46	06/13/2007	(564027)
47	06/20/2007	(583379)
48	07/31/2007	(564772)
49	08/08/2007	(565813)
50	08/08/2007	(566439)
51	08/16/2007	(603907)
52	08/28/2007	(566160)
53	09/06/2007	(593514)
54	09/12/2007	(569976)
55	09/24/2007	(603908)
56	10/08/2007	(594934)
57	10/30/2007	(622704)
58	11/19/2007	(622705)
59	12/27/2007	(622706)
60	01/03/2008	(612421)
61	01/28/2008	(674233)
62	03/24/2008	(692561)
63	05/02/2008	(692562)
64	05/12/2008	(692563)
65	05/21/2008	(618877)
66	05/21/2008	(640592)
67	06/11/2008	(679932)
68	06/11/2008	(680250)
69	06/12/2008	(681930)
70	06/12/2008	(682127)
71	06/13/2008	(713691)
72	07/09/2008	(682391)
73	07/16/2008	(713692)
74	07/17/2008	(681937)
75	07/17/2008	(682123)
76	07/17/2008	(684522)
77	08/18/2008	(713693)
78	08/25/2008	(688859)
79	09/30/2008	(729702)
80	10/14/2008	(729703)
81	11/19/2008	(729704)
82	11/25/2008	(705898)
83	11/25/2008	(707970)
84	12/12/2008	(687530)
85	12/17/2008	(729705)
86	01/16/2009	(752942)
87	02/20/2009	(752941)
88	02/25/2009	(725161)

89 03/12/2009 (737908)
 90 03/12/2009 (737918)
 91 03/16/2009 (770530)
 92 05/01/2009 (770531)
 93 05/11/2009 (744258)
 94 05/26/2009 (770532)
 95 06/22/2009 (748928)
 96 10/06/2009 (777216)
 97 10/06/2009 (777264)
 98 10/23/2009 (765301)

E. Written notices of violations (NOV), (CCEDS Inv. Track. No.)

Date: 11/30/2004 (385201) CN603159088
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2005 (444078) CN603159088
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2007 (583377) CN603159088
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/03/2007 (564772) CN603159088
 Self NO Classification: Moderate
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 Monitoring and Reporting Requirements PERMIT
 Description: Failure to maintain adequate pH monitoring records.
 Date: 03/31/2009 (770531) CN603159088
 Self YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2009 (770532) CN603159088
 Self YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OWENS CORNING INSULATING
SYSTEMS, LLC
RN100223585**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1788-IWD-E

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Owens Corning Insulating Systems, LLC (“the Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a fiberglass wool insulation manufacturing facility located at 3700 North Interstate Highway 35 East, adjacent to the east side of Interstate Highway 35 East,

approximately one mile north of the intersection of Interstate Highway 35 East and United States Highway 287, north of Waxahachie in Ellis County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on August 10 2009, TCEQ staff documented that the discharge monitoring reports ("DMR") parameter data pH minimum was not submitted for the monitoring periods ending March 31, 2009 and April 30, 2009.
4. During a record review on August 10 2009, TCEQ staff documented the following effluent values based on the self-reported DMRs.

<i>EFFLUENT PARAMETER</i>		
<i>Permit Limit</i>		
	Ammonia Nitrogen Daily max.	Chemical Oxygen Demand Daily max.
<i>Month/Year</i>	5 mg/L	250 mg/L
3/31/2009	75	260
4/30/2009	130	c

Name	Abbreviation
milligrams per liter maximum	mg/L max.

5. The Respondent received notice of the violations on October 28, 2009.
6. The Executive Director recognizes that the Respondent submitted the revised DMRs for the monitoring periods ending March 31, 2009 and April 30, 2009 on November 9, 2009.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to submit complete and accurate DMRs, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001178000, Monitoring and Reporting Requirements No. 1.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0001178000, Effluent Limitations and Monitoring Requirements No. 1.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Nineteen Thousand Fifty-Four Dollars (\$19,054) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Nineteen Thousand Fifty-Four Dollar (\$19,054) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nineteen Thousand Fifty-Four Dollars (\$19,054) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Owens Corning Insulating Systems, LLC, Docket No. 2009-1788-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0001178000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted 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 for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the

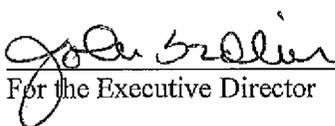
Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 3/9/2010

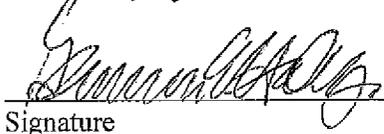
I, the undersigned, have read and understand the attached Agreed Order in the matter of Owens Corning Insulating Systems, LLC. I am authorized to agree to the attached Agreed Order on behalf of Owens Corning Insulating Systems, LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Owens Corning Insulating Systems, LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date Jan. 12, 2010

Glenn E. Haley

Name (Printed or typed)
Authorized Representative of
Owens Corning Insulating Systems, LLC

Waxahachie Plant leader

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.