

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1662-AIR-E **TCEQ ID:** RN100222140 **CASE NO.:** 40520
RESPONDENT NAME: Owens Corning Composite Materials, LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 166o AGREED ORDER	<input 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 checked="" 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 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Owens Corning-Randall County, 1701 Hollywood Road, Amarillo, Randall County</p> <p>TYPE OF OPERATION: Fiberglass manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 7, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8970; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Matt Himic, Environmental Health and Safety Leader, Owens Corning Composite Materials, LLC, P.O. Box 8000, Amarillo, Texas 79114 Mr. Cole Foley, Plant Leader, Owens Corning Composite Materials, LLC, P.O. Box 8000, Amarillo, Texas 79114 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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 31, 2010 through September 1, 2010</p> <p>Date of NOV/NOE Relating to this Case: September 27, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to comply with the hourly allowable emissions rate. Specifically, on June 9, 2010, a performance stack test revealed that the Respondent exceeded the volatile organic compound ("VOC") mass emission rate of 0.22 pounds per hour ("lbs/hr") at the 10-02 Furnace Stack, Emissions Point Number ("EPN") 0021101. The stack test showed a VOC emission rate of 0.32 lbs/hr, resulting in the release of 285.6 lbs of unauthorized VOC emissions to the atmosphere [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit Nos. 5042 and PSDTX844M2, Special Conditions No. 1].</p>	<p>Total Assessed: \$8,300</p> <p>Total Deferred: \$1,660 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,640</p> <p>Compliance History Classification: Person/CN – Average Site/RN – Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, demonstrate compliance with permitted VOC emission rates for the 10-02 Furnace Stack, EPN 0021101; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): RBo010D



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-Oct-2010	Screening	6-Oct-2010	EPA Due	24-Jun-2011
	PCW	6-Oct-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Owens Corning Composite Materials, LLC
Reg. Ent. Ref. No.	RN100222140
Facility/Site Region	1-Amarillo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	40520	No. of Violations	1
Docket No.	2010-1662-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **66.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,300**

Notes: Enhancement for three NOVs with dissimilar violations and three orders with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$0**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$202
Approx. Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$8,300**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$8,300**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$8,300**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,660**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$6,640**

Screening Date 6-Oct-2010

Docket No. 2010-1662-AIR-E

PCW

Respondent Owens Corning Composite Materials, LLC

Policy Revision 7 (September 2002)

Case ID No. 40520

PCW Revision October 30, 2003

Reg. Ent. Reference No. RN100222140

Media [Statute] Air

Enf. Coordinator John Muennink

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 66%

>> **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 for three NOVs with dissimilar violations and three orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 66%

Screening Date 6-Oct-2010

Docket No. 2010-1662-AIR-E

PCW

Respondent Owens Corning Composite Materials, LLC

Policy Revision 2 (September 2002)

Case ID No. 40520

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100222140

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b) and Permit Nos. 5042 and PSDTX844M2, Special Conditions No. 1

Violation Description Failed to comply with the hourly allowable emissions rate. Specifically, on June 9, 2010, a performance stack test revealed that the Respondent exceeded the volatile organic compound ("VOC") mass emission rate of 0.22 pounds per hour ("lbs/hr") at the 10-02 Furnace Stack, Emissions Point Number 0021101. The stack test showed a VOC emission rate of 0.32 lbs/hr, resulting in the release of 285.6 lbs of unauthorized VOC emissions to the atmosphere.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	25%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 119 Number of violation days

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

Violation Base Penalty \$5,000

Two quarterly events are recommended from the June 9, 2010 failed stack test to the October 6, 2010 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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 \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$202

Violation Final Penalty Total \$8,300

This violation Final Assessed Penalty (adjusted for limits) \$8,300

Economic Benefit Worksheet

Respondent Owens Corning Composite Materials, LLC
Case ID No. 40520
Reg. Ent. Reference No. RN100222140
Media Air
Violation No. 1

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)	\$5,000	9-Jun-2010	31-Mar-2011	0.81	\$202	n/a	\$202

Notes for DELAYED costs

Estimated expense to demonstrate compliance with permitted emissions rates. The Date Required is the date of the stack test. The Final Date is the date that corrective measures are estimated to be completed.

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

\$5,000

TOTAL

\$202

Compliance History Report

Customer/Respondent/Owner-Operator: CN603128455 Owens Corning Composite Materials, LLC Classification: AVERAG Rating: 8.69
 Regulated Entity: RN100222140 OWENS CORNING-RANDALL COUNTY Classification: AVERAGE Site Rating: 15.88

ID Number(s):	AIR OPERATING PERMITS AIR OPERATING PERMITS INDUSTRIAL AND HAZARDOUS WASTE INDUSTRIAL AND HAZARDOUS WASTE AIR NEW SOURCE PERMITS AIR EMISSIONS INVENTORY	ACCOUNT NUMBER PERMIT EPA ID SOLID WASTE REGISTRATION # (SWR) PERMIT REGISTRATION ACCOUNT NUMBER EPA ID AFS NUM EPA ID REGISTRATION REGISTRATION REGISTRATION REGISTRATION EPA ID ACCOUNT NUMBER	RB0010D 1019 TXD084284132 31642 5042 44636 RB0010D PSDTX844 4838100004 PSDTX844M1 79254 80038 80555 81407 PSDTX844M2 RB0010D
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Location: 1701 HOLLYWOOD RD, AMARILLO, TX, 79109
 TCEQ Region: REGION 01 - AMARILLO
 Date Compliance History Prepared: October 06, 2010
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: October 06, 2005 to October 06, 2010
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: John Muennink Phone: (361) 825-3423

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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/25/2007 ADMINORDER 2007-0537-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit a timely deviation report for the period November 1, 2005 to April 30, 2006, and failed to include all instances of deviations in the associated deviation report. Specifically, the deviation report was required to be submitted on or before May 30, 2006, to include the deviation NOx and carbon monoxide exceedences during a stack test on March 28, 2006 and failure to submit the stack test results within 30 days of testing. The report was not submitted until January 22, 2007.

Effective Date: 08/29/2008

ADMINORDER 2008-0214-AIR-E

Classification: Moderate

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

Rqmt Prov: NSR Permit no. 5042/ PSD-TX-844M1 PERMIT

Description: Owens Corning, failed to comply with NSR Permit 5042/PSD-TX844M1, Special Condition 6L, which required the stack heights of 10-02 Forehearth stacks (EPN's 002110B1, 002110B2, 002110B3 and 002110B4) be raised to at least 65.9 ft and a diameter of 5.97 ft. by January 1, 2007. Owens Corning is in violation of 30 TAC Chapter 116.115(c) and NSR Permit 5042/PSD-TX844M1, Special Condition 6 (L).

Effective Date: 09/22/2008

ADMINORDER 2008-0547-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to comply with the 11.25 lbs/hr PM emission limit, the 15.75 lbs/hr NOx emission limit and the 0.34 lbs/hr CO emission limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), NSR Permit No. 5042/PSD-TX-844M1, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). During the March 28, 2006 stack test, the PM emissions from EPN 00021101 were 13.486 lbs/hr, the NOx emissions were 16.486 lbs/hr and the CO emissions were 4.716 lbs/hr.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 6.F. PERMIT

Description: Failure to comply with the 1.0 lbsPM/ton glass produced maximum emission performance level and the 1.4 lbs NOx/ton glass produced maximum emission performance level, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), NSR Permit No. 5042/PSD-TX-844M1, Special Condition No. 6.F. and TEX. HEALTH & SAFETY CODE § 382.085(b). During the March 28, 2006 stack test, the PM emissions from EPN 00021101 were 1.32 lbs PM/ton of glass produced and the NOx emissions were 1.62 lbs NOx/ton of glass produced.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition No. 15.C. PERMIT

Description: Failure to provide a schedule for submittal of the copies of the final sampling report (stack test report) within 30 days after sampling is completed, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), NSR Permit No. 5042/PSD-TX-844M1, Special Condition No. 15.C. and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, there was no schedule for submittal of the copies of the final sampling report provided within 30 days after the March 28, 2006 stack test.

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	01/26/2006	(453121)
2	02/05/2007	(537166)
3	01/08/2008	(612709)
4	01/18/2008	(600877)
5	03/03/2008	(637345)
6	03/06/2008	(637384)
7	04/24/2008	(637982)
8	09/10/2008	(688110)
9	12/11/2008	(709990)
10	12/12/2008	(709533)
11	09/22/2009	(776482)

12 12/17/2009 (785672)
13 02/26/2010 (792591)
14 06/30/2010 (828492)
15 07/12/2010 (830216)
16 07/13/2010 (830292)
17 09/27/2010 (858104)

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

Date: 01/08/2008 (612709)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Owens Corning Sales, Inc. did not meet the time requirement to submit a schedule for submittal of the copies of the final stack test report. According to Permit No. 5042/PSD-TX-844M1, SC 15(C) the Regulated Entity (RE) has 30 days to submit a schedule for submittal of the final copies of the final stack test report after completing the stack test. The unit was tested on July 18, 2007 and the stack test report was submitted to the TCEQ Lubbock Regional Office on August 22, 2007.

Date: 01/18/2008 (614795)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
NSR Permit 5042/PSD-TX-844M1 PERMIT
Description: Failure to comply with special condition 6 (I) of NSR Permit no. 5042/PSD-TX-844M1. The company unloaded material while the doors to the batch house were broken and left open. A Notice of Violation will be issued and resolved for this violation. (Associated to CCEDS investigation number 614795)

Date: 03/06/2008 (637384) CN603128455
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: Failure to provide a schedule for submittal of the copies of the final sampling report (stack test report) within 30 days after sampling is completed, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), NSR Permit No. 5042/PSD-TX-844M1, Special Condition No. 15.C. and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, there was no schedule for submittal of the copies of the final sampling report provided within 30 days after the March 31, 2006 stack test.

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 COMPOSITE
MATERIALS, LLC
RN100222140**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1662-AIR-E**

I. JURISDICTION AND STIPULATIONS

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 Composite Materials, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a fiberglass manufacturing plant at 1701 Hollywood Road in Amarillo, Randall County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 2, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Three Hundred Dollars (\$8,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Six Hundred Forty Dollars (\$6,640) of the administrative penalty and One Thousand Six Hundred Sixty Dollars (\$1,660) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the hourly allowable emissions rate, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit Nos. 5042 and PSDTX844M2, Special Conditions No. 1, as documented during a record review conducted from August 31, 2010 through September 1, 2010. Specifically, on June 9, 2010, a performance stack test revealed that the Respondent exceeded the volatile organic compound ("VOC") mass emission rate of 0.22 pounds per hour ("lbs/hr") at the 10-02 Furnace Stack, Emissions Point Number ("EPN") 0021101. The stack test showed a VOC emission rate of 0.32 lbs/hr, resulting in the release of 285.6 lbs of unauthorized VOC emissions to the atmosphere.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Owens Corning Composite Materials, LLC, Docket No. 2010-1662-AIR-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, demonstrate compliance with permitted VOC emission rates for the 10-02 Furnace Stack, EPN 0021101; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and contain the following 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:

Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

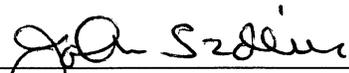
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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. 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.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 1/31/2011

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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 12/20/10



Name (Printed or typed)
Authorized Representative of
Owens Corning Composite Materials, LLC

Title Plant Leader

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.