

Executive Summary – Enforcement Matter – Case No. 55192
Owens Corning Insulating Systems, LLC
RN100223585
Docket No. 2017-1451-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Owens Corning Insulating Systems Waxahachie Plant, 3700 North IH-35 East,
Waxahachie, Ellis County

Type of Operation:

Insulation manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 28, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,000

Amount Deferred for Expedited Settlement: \$3,000

Total Paid to General Revenue: \$12,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 10, 2017

Date(s) of NOE(s): September 14, 2017

Executive Summary – Enforcement Matter – Case No. 55192
Owens Corning Insulating Systems, LLC
RN100223585
Docket No. 2017-1451-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 582.58 pounds of particulate matter ("PM") from the V-2 Mixed Batch Bin, Emissions Point Number ("EPN") 26, during an emissions event (Incident No. 257961) that began on May 15, 2017 and lasted for 11 hours. The emissions event occurred when a dust collector cartridge filter failed, causing a leak from EPN 26. Since the emissions event could have been avoided by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O1094, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 350.67 pounds of PM from the V-2 Mixed Batch Bin, EPN 26, during an emissions event (Incident No. 257966) that began on May 16, 2017 and lasted for one hour and 30 minutes. The emissions event occurred when a door failed to seal properly. Since the emissions event could have been avoided by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 6093, SC No. 1, and FOP No. O1094, GTC and STC No. 8].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to same or similar causes as Incident Nos. 257961 and 257966; and

- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 55192
Owens Corning Insulating Systems, LLC
RN100223585
Docket No. 2017-1451-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division,
Enforcement Team 5, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondents: Kristi Fox, Environmental, Health, and Safety Leader, Owens Corning
Insulating Systems, LLC, 350 N Saint Paul Street, Dallas, Texas 75201-4201
Gregory D. Bowling, Plant Leader, Owens Corning Insulating Systems Waxahachie
Plant, 3700 North IH-35 East, Waxahachie, Texas 75165-6607

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned PCW	18-Sep-2017	Screening	22-Sep-2017	EPA Due	
		3-Oct-2017				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	55192	No. of Violations	2
Docket No.	2017-1451-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Shelby Orme
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

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 Adjustment **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$930
Estimated Cost of Compliance	\$20,000

*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.

Notes

PAYABLE PENALTY

Screening Date 22-Sep-2017

Docket No. 2017-1451-AIR-E

PCW

Respondent Owens Corning Insulating Systems, LLC

Policy Revision 4 (April 2014)

Case ID No. 55192

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100223585

Media [Statute] Air

Enf. Coordinator Shelby Orme

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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 judgments 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%
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) 102%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and five Orders with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 102%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 22-Sep-2017

Docket No. 2017-1451-AIR-E

PCW

Respondent Owens Corning Insulating Systems, LLC

Policy Revision 4 (April 2014)

Case ID No. 55192

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100223585

Media [Statute] Air

Enf. Coordinator Shelby Orme

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O1094, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 582.58 pounds of particulate matter ("PM") from the V-2 Mixed Batch Bin, Emissions Point Number ("EPN") 26, during an emissions event (Incident No. 257961) that began on May 15, 2017 and lasted for 11 hours. The emissions event occurred when a dust collector cartridge filter failed, causing a leak from EPN 26. Since the emissions event could have been avoided by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				X	15.0%
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$466

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Owens Corning Insulating Systems, LLC
Case ID No. 55192
Reg. Ent. Reference No. RN100223585
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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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	15-May-2017	20-Apr-2018	0.93	\$466	n/a	\$466

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to same or similar causes as Incident No. 257961. The Date Required is the date the emissions event began. The Final Date is the estimated 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 \$466

Screening Date 22-Sep-2017

Docket No. 2017-1451-AIR-E

PCW

Respondent Owens Corning Insulating Systems, LLC

Policy Revision 4 (April 2014)

Case ID No. 55192

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100223585

Media [Statute] Air

Enf. Coordinator Shelby Orme

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 6093, SC No. 1, and FOP No. O1094, GTC and STC No. 8

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 350.67 pounds of PM from the V-2 Mixed Batch Bin, EPN 26, during an emissions event (Incident No. 257966) that began on May 16, 2017 and lasted for one hour and 30 minutes. The emissions event occurred when a door failed to seal properly. Since the emissions event could have been avoided by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
				0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$464

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Owens Corning Insulating Systems, LLC
Case ID No. 55192
Reg. Ent. Reference No. RN100223585
Media Air
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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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	16-May-2017	20-Apr-2018	0.93	\$464	n/a	\$464

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to same or similar causes as Incident No. 257966. The Date Required is the date the emissions event began. The Final Date is the estimated 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 \$464



Compliance History Report

Compliance History Report for CN603159088, RN100223585, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator:	CN603159088, Owens Corning Insulating Systems, LLC	Classification: SATISFACTORY	Rating: 39.07
Regulated Entity:	RN100223585, OWENS CORNING INSULATING SYSTEMS WAXAHACHIE PLANT	Classification: SATISFACTORY	Rating: 39.07
Complexity Points:	14	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	3700 N IH 35 E WAXAHACHIE, TX 75165-6607, ELLIS COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER ED00510	AIR OPERATING PERMITS PERMIT 1094
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD007332570	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31420
WASTEWATER PERMIT WQ0001178000	WASTEWATER EPA ID TX0065749
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 REGISTRATION 45087	AIR NEW SOURCE PERMITS REGISTRATION 78155
AIR NEW SOURCE PERMITS REGISTRATION 84393	AIR NEW SOURCE PERMITS REGISTRATION 113627
TAX RELIEF ID NUMBER 16622	AIR EMISSIONS INVENTORY ACCOUNT NUMBER ED00510

POLLUTION PREVENTION PLANNING ID NUMBER P00494

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: September 22, 2017

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 22, 2012 to September 22, 2017

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Shelby Orme **Phone:** (512) 239-1001

Site and Owner/Operator History:

- 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 02/22/2014 ADMINORDER 2013-0889-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
 Special Terms & Conditions 8 OP

Description: Failed to comply with the permitted CO emission rate of 20.70 lbs/hr and the permitted VOC emission rate of 10.50 lbs/hr. Specifically, during a stack test conducted from July 25 through 27, 2012, it was determined that the CO and VOC emission rates from the Mixing Chamber Stack, EPN 40, were 22.95 lbs/hr and 11.38 lbs/hr, respectively, resulting in the release of approximately 15,282 lbs of CO and 5,977 lbs of VOC.

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 46 PERMIT

Special Terms & Conditions 8 OP

Description: Failed to submit records of adjusted operating parameters and daily records of glass production and binder usage rates sufficient to demonstrate compliance with the permitted emission rates for EPN 40 within 60 days after a stack test is conducted, and on a monthly basis until a permit amendment has been approved or until a re-test showing compliance is performed. Specifically, the stack test report submitted on 9/24/12 documented that the operating parameters were adjusted, but monthly records

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

5C THSC Chapter 382 382.085(b)

Description: Failed to submit an initial notification for Incident No. 177834 within 24 hours after discovery of the emissions event. Specifically, the emissions event was discovered on December 26, 2012, but the initial notification was not submitted until January 8, 2013.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Terms & Conditions 8 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,743.32 lbs of particulate matter from the V-2 Mixed Batch Bin (EPN 26), during an emissions event (Incident No. 177834) that began on December 25, 2012 and lasted 138 hours. The emissions event occurred when two level limit switches, or bindicators, in the V2 mixed batch storage system failed simultaneously due to loose set screws on the bindicator paddle. Since this emissions event was reported late, prompt act

2 Effective Date: 07/10/2015 ADMINORDER 2015-0061-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 01094 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event which occurred on August 25, 2014

3 Effective Date: 06/27/2016 ADMINORDER 2015-1207-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of discovery (Incident No. 191316)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

STC No. 8 OP

Description: Failure to prevent unauthorized emissions from the V-1 Furnace DEP Bypass Stack (EPN-6) on December 4, 2013 (Incident No. 191316)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(c)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit a final record no later than two weeks after the end of a scheduled maintenance activity (Incident No. 198207)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

STC No. 8 OP

Description: Failure to prevent unauthorized emissions from the V-1 Furnace DEP Bypass Stack (EPN-6) on May 14, 2014 (Incident No. 198207)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of discovery (Incident No. 194622)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

STC. No 8 OP

Description: Failure to prevent unauthorized emissions from the V3 Glass Furnace East and West Stacks (EPN 38 and EPN 39) on January 3, 2014 (Incident No. 194622):

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
30 TAC Chapter 101, SubChapter F 101.211(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of discovery (Incident No. 188006)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

STC No 8 OP

Description: Failure to prevent unauthorized emissions from the DEP Bypass Stack (EPN 6) on September 25, 2013 (Incident No. 188006)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of discover (Incident No. 200592)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

STC No. 8 OP

Description: Failure to prevent unauthorized emissions from the V1 Furnace DEP Bypass Stack (EPN 6) on July 1, 2014 (Incident No. 200592):

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of the discovery (Incident No. 212181)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC No. 1 PERMIT

STC No. 8 OP

Description: Failure to prevent unauthorized emissions from the V1 Dry Electrostatic Precipitator (DEP) Stack (Incident No. 212181)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the initial notification for a reportable emissions event within 24 hours of discovery (Incident No. 216183)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Terms and Conditions No. 8 OP

Description: Failure to prevent the release of unauthorized emissions from the V3 East Mixed Batch Transport (EPN 36), Incident No. 216183.

4 Effective Date: 05/04/2017 ADMINORDER 2016-1065-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to notify the commission within ten days, or as soon as practicable, prior to any scheduled maintenance, startup, or shutdown activity that is expected to cause an unauthorized emission, in violation of 30 TEX. ADMIN. CODE § 101.211(a) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent notified the commission (Incident No. 218279) on August 5, 2015 for the August 4, 2015 startup activity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 1. Specifically, the Respondent released 96.99 pounds ("lbs") of particulate matter ("PM") and experienced 60% opacity from the V-3 Furnace Stacks (East and West Combined), Emissions Point Number ("EPN") 38, 39, during an emissions event (Incident No. 218279) that occurred

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6093, SC No. 1. Specifically, the Respondent released 5,249.89 lbs of PM and experienced 65% opacity from the transport line on the High Bay area next to the V-3 Mixed Batch Bin, EPN 36, during an emissions event (Incident No. 220954) that occurred on October 1, 2015 and lasted for 30 minutes. The event occurred when a hole develo

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 6093, SC No. 1. Specifically, the Respondent released 998.68 lbs of PM from the batch transport line in V-3 Mixed Batch Bin, EPN 36, during an emissions event (Incident No. 220731) that occurred on September 26, 2015 and lasted for six hours. The event occurred when a hole developed at the elbow of the batch transport line. Since

Classification: Moderate

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

Description: Failed to submit an initial notification for Incident No. 220731 no later than 24 hours after the discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification was due by September 27, 2015 at 7:00 a.m., but was not submitted until September 28, 2015 at 3:29 p.m.

5 Effective Date: 08/01/2017 ADMINORDER 2017-0285-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a copy of the final record to the applicable commission office no later than two weeks after the end of an emissions event (TCEQ/STEERS Incident No. 242790)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on September 2, 2016, TCEQ/STEERS Incident No. 242790

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	October 11, 2012	(1065203)
Item 2	December 10, 2012	(1042894)
Item 3	December 13, 2012	(1065204)
Item 4	January 15, 2013	(1080748)
Item 5	February 12, 2013	(1080747)
Item 6	February 25, 2013	(1058315)
Item 7	March 12, 2013	(1090150)
Item 8	April 08, 2013	(1096530)
Item 9	April 29, 2013	(1076375)
Item 10	May 07, 2013	(1077730)
Item 11	May 10, 2013	(1085149)
Item 12	May 14, 2013	(1107488)
Item 13	May 17, 2013	(1077282)
Item 14	June 13, 2013	(1111130)
Item 15	July 02, 2013	(1101125)
Item 16	July 15, 2013	(1118024)
Item 17	August 06, 2013	(1101609)
Item 18	August 20, 2013	(1125824)
Item 19	August 27, 2013	(1115199)
Item 20	September 17, 2013	(1130367)
Item 21	October 15, 2013	(1136137)
Item 22	December 23, 2013	(1147973)
Item 23	January 21, 2014	(1154044)
Item 24	February 12, 2014	(1150179)
Item 25	February 18, 2014	(1161366)
Item 26	April 14, 2014	(1175166)
Item 27	April 30, 2014	(1164603)
Item 28	May 19, 2014	(1167080)
Item 29	May 20, 2014	(1181355)
Item 30	May 29, 2014	(1164737)
Item 31	June 09, 2014	(1087421)
Item 32	June 17, 2014	(1188251)
Item 33	June 28, 2014	(1128195)
Item 34	July 20, 2014	(1199911)
Item 35	August 18, 2014	(1199912)
Item 36	November 18, 2014	(1219303)
Item 37	December 22, 2014	(1225084)
Item 38	January 07, 2015	(1309691)
Item 39	January 13, 2015	(1166050)
Item 40	January 22, 2015	(1205650)
Item 41	January 26, 2015	(1231980)
Item 42	February 13, 2015	(1222928)
Item 43	March 20, 2015	(1249461)
Item 44	April 07, 2015	(1240990)
Item 45	April 16, 2015	(1239644)
Item 46	May 05, 2015	(1197032)

Item 47	May 12, 2015	(1248394)
Item 48	May 22, 2015	(1263075)
Item 49	May 27, 2015	(1245297)
Item 50	July 27, 2015	(1277755)
Item 51	August 25, 2015	(1283931)
Item 52	September 02, 2015	(1246228)
Item 53	October 07, 2015	(1245284)
Item 54	October 13, 2015	(1297278)
Item 55	November 19, 2015	(1302724)
Item 56	January 11, 2016	(1316463)
Item 57	February 01, 2016	(1306311)
Item 58	February 11, 2016	(1325830)
Item 59	March 10, 2016	(1332575)
Item 60	March 15, 2016	(1319111)
Item 61	April 04, 2016	(1312341)
Item 62	April 12, 2016	(1323512)
Item 63	April 22, 2016	(1299525)
Item 64	May 31, 2016	(1228992)
Item 65	June 22, 2016	(1352967)
Item 66	July 21, 2016	(1359937)
Item 67	August 04, 2016	(1342297)
Item 68	August 08, 2016	(1366381)
Item 69	August 16, 2016	(1338424)
Item 70	August 30, 2016	(1350445)
Item 71	September 22, 2016	(1373061)
Item 72	October 28, 2016	(1379249)
Item 73	November 21, 2016	(1385202)
Item 74	December 21, 2016	(1391331)
Item 75	January 18, 2017	(1397956)
Item 76	February 24, 2017	(1404847)
Item 77	March 08, 2017	(1387474)
Item 78	March 21, 2017	(1411934)
Item 79	April 20, 2017	(1418439)
Item 80	May 25, 2017	(1426038)
Item 81	June 26, 2017	(1432076)
Item 82	August 07, 2017	(1429853)
Item 83	August 31, 2017	(1430958)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 01/19/2017 (1382906)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
- Description: Failure to timely report all instances of deviations of the Title V permit in the deviation report for the September 1, 2015 through February 29, 2016 period, submitted on March 4, 2016
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
- Description: Failure to timely report all instances of deviations of the Title V permit in the deviation report for the March 1, 2016 through August 31, 2016 period, submitted on September 30, 2016

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. 2017-1451-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, 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. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a insulation manufacturing plant located at 3700 North Interstate Highway 35 East in Waxahachie, Ellis County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,000 of the penalty and \$3,000 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). 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.

6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted on August 10, 2017, an investigator documented that the Respondent:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O1094, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8. Specifically, the Respondent released 582.58 pounds of particulate matter ("PM") from the V-2 Mixed Batch Bin, Emissions Point Number ("EPN") 26, during an emissions event (Incident No. 257961) that began on May 15, 2017 and lasted for 11 hours. The emissions event occurred when a dust collector cartridge filter failed, causing a leak from EPN 26. Since the emissions event could have been avoided by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 6093, SC No. 1, and FOP No. O1094, GTC and STC No. 8. Specifically, the Respondent released 350.67 pounds of PM from the V-2 Mixed Batch Bin, EPN 26, during an emissions event (Incident No. 257966) that began on May 16, 2017 and lasted for one hour and 30 minutes. The emissions event occurred when a door failed to seal properly. Since the emissions event could have been avoided by better maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Owens Corning Insulating Systems, LLC, Docket No. 2017-1451-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to same or similar causes as Incident Nos. 257961 and 257966; and
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall 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:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director


12/10/18
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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

12/21/2017
Date

GREGORY D. BOWLING

PLANT LEADER
Title

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

If mailing address has changed, please check this box and provide the new address below: