

Executive Summary – Enforcement Matter – Case No. 61011

Johns Manville

RN100213719

Docket No. 2021-0889-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Cleburne Plant, 200 West Industrial Boulevard, Cleburne, Johnson County

Type of Operation:

Fiberglass 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: July 8, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$93,750

Amount Deferred for Expedited Settlement: \$18,750

Total Paid to General Revenue: \$75,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 22, 2021

Date(s) of NOE(s): June 25, 2021

Executive Summary – Enforcement Matter – Case No. 61011

Johns Manville

RN100213719

Docket No. 2021-0889-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emissions rates (“MAERs”). Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the particulate matter (“PM”) MAER of 4.50 pounds per hour (“lbs/hr”) by 2.46 lbs/hr and exceeded the ammonia (“NH₃”) MAER of 4.20 lbs/hr by 6.13 lbs/hr for the Line 91 Collection Wet Scrubber No. 1 - Stack, Emissions Point Number (“EPN”) 16, resulting in approximately 4,634.64 pounds of unauthorized PM emissions and approximately 11,548.92 pounds of unauthorized NH₃ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review (“NSR”) Permit Nos. 946A and PSDTX1025M1, Special Conditions (“SC”) No. 1, Federal Operating Permit (“FOP”) No. O1677, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the MAER. Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH₃ MAER of 4.20 lbs/hr by 3.70 lbs/hr for the Line 91 Collection Wet Scrubber No. 2 - Stack, EPN 17, resulting in approximately 6,970.80 pounds of unauthorized NH₃ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the MAER. Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH₃ MAER of 4.20 lbs/hr by 6.82 lbs/hr for the Line 91 Collection Wet Scrubber No. 3 - Stack, EPN 18, resulting in approximately 12,848.88 pounds of unauthorized NH₃ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the MAER. Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH₃ MAER of 4.20 lbs/hr by 0.99 lb/hr for the Line 91 Collection Wet Scrubber No. 4 - Stack, EPN 19, resulting in approximately 1,865.16 pounds of unauthorized NH₃ emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 61011
Johns Manville
RN100213719
Docket No. 2021-0889-AIR-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent conducted stack tests demonstrating compliance with the PM and NH3 hourly MAERs for the Line 91 Collection Wet Scrubber No. 1 – Stack, EPN 16, the NH3 hourly MAER for the Line 91 Collection Wet Scrubber No. 2 – Stack, EPN 17, the NH3 hourly MAER for the Line 91 Collection Wet Scrubber No. 3 – Stack, EPN 18, and the NH3 hourly MAER for the Line 91 Collection Wet Scrubber No. 4 – Stack, EPN 19, on November 26, 2019.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Matthew Lefeld, Plant Manager, Johns Manville, 200 West Industrial Boulevard, Cleburne, Texas 76033-5062

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	2-Jul-2021	Screening	8-Jul-2021	EPA Due	22-Dec-2021
	PCW	6-May-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Johns Manville
Reg. Ent. Ref. No.	RN100213719
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61011	No. of Violations	4
Docket No.	2021-0889-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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	\$125,000
---	-------------------	-----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
---------------------------	------	------------	--------------------------------	-----

Notes: Since the reduction for one notice of intent to conduct an audit and for having the environmental management system in place is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	-\$31,250
--	-------------------	-----------

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

Total EB Amounts: \$392
 Estimated Cost of Compliance: \$32,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$93,750
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$93,750
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$93,750
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$18,750
-----------------	-------	-----------	------------	-----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$75,000
------------------------	----------

Screening Date 8-Jul-2021

Docket No. 2021-0889-AIR-E

PCW

Respondent Johns Manville

Policy Revision 5 (January 28, 2021)

Case ID No. 61011

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100213719

Media Air

Enf. Coordinator Danielle Porras

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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>)	1	-1%
	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	Yes	-10%
	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) 0%

>> 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

Since the reduction for one notice of intent to conduct an audit and for having the environmental management system in place is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 8-Jul-2021 **Docket No.** 2021-0889-AIR-E **PCW**
Respondent Johns Manville *Policy Revision 5 (January 28, 2021)*
Case ID No. 61011 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100213719
Media Air
Enf. Coordinator Danielle Porras

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 946A and PSDTX1025M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1677, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the particulate matter ("PM") MAER of 4.50 pounds per hour ("lbs/hr") by 2.46 lbs/hr and exceeded the ammonia ("NH3") MAER of 4.20 lbs/hr by 6.13 lbs/hr for the Line 91 Collection Wet Scrubber No. 1 - Stack, Emissions Point Number ("EPN") 16, resulting in approximately 4,634.64 pounds of unauthorized PM emissions and approximately 11,548.92 pounds of unauthorized NH3 emissions.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three monthly events are recommended from the August 29, 2019 non-compliant stack test date to the November 26, 2019 compliance date.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent achieved compliance on November 26, 2019, prior to the Notice of Enforcement ("NOE") dated June 25, 2021.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Johns Manville
Case ID No. 61011
Reg. Ent. Reference No. RN100213719
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$8,000	29-Aug-2019	26-Nov-2019	0.24	\$98	n/a	\$98
Notes for DELAYED costs Estimated cost to conduct a stack test demonstrating compliance with the PM and NH3 hourly MAERs for EPN 16. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.							

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs (Empty box for notes)							

Approx. Cost of Compliance \$8,000

TOTAL \$98

Screening Date 8-Jul-2021 **Docket No.** 2021-0889-AIR-E **PCW**
Respondent Johns Manville *Policy Revision 5 (January 28, 2021)*
Case ID No. 61011 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100213719
Media Air
Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the MAER. Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH3 MAER of 4.20 lbs/hr by 3.70 lbs/hr for the Line 91 Collection Wet Scrubber No. 2 - Stack, EPN 17, resulting in approximately 6,970.80 pounds of unauthorized NH3 emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		50.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 3 89 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$37,500

Three monthly events are recommended from the August 29, 2019 non-compliant stack test date to the November 26, 2019 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$9,375

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

Notes
 The Respondent achieved compliance on November 26, 2019, prior to the NOE dated June 25, 2021.

Violation Subtotal \$28,125

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$98 **Violation Final Penalty Total** \$28,125

This violation Final Assessed Penalty (adjusted for limits) \$28,125

Economic Benefit Worksheet

Respondent Johns Manville
Case ID No. 61011
Reg. Ent. Reference No. RN100213719
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$8,000	29-Aug-2019	26-Nov-2019	0.24	\$98	n/a	\$98

Notes for DELAYED costs

Estimated cost to conduct a stack test demonstrating compliance with the NH3 hourly MAER for EPN 17.
 The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$98

Screening Date 8-Jul-2021 **Docket No.** 2021-0889-AIR-E **PCW**
Respondent Johns Manville *Policy Revision 5 (January 28, 2021)*
Case ID No. 61011 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100213719
Media Air
Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH3 MAER of 4.20 lbs/hr by 6.82 lbs/hr for the Line 91 Collection Wet Scrubber No. 3 - Stack, EPN 18, resulting in approximately 12,848.88 pounds of unauthorized NH3 emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		50.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$12,500

\$25,000 - \$12,500 = \$12,500

Violation Events

Number of Violation Events 3 89 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$37,500

Three monthly events are recommended from the August 29, 2019 non-compliant stack test date to the November 26, 2019 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$9,375

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

Notes The Respondent achieved compliance on November 26, 2019, prior to the NOE dated June 25, 2021.

Violation Subtotal \$28,125

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$98 **Violation Final Penalty Total** \$28,125

This violation Final Assessed Penalty (adjusted for limits) \$28,125

Economic Benefit Worksheet

Respondent Johns Manville
Case ID No. 61011
Reg. Ent. Reference No. RN100213719
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$8,000	29-Aug-2019	26-Nov-2019	0.24	\$98	n/a	\$98

Notes for DELAYED costs

Estimated cost to conduct a stack test demonstrating compliance with the NH3 hourly MAER for EPN 18.
 The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$98

Screening Date 8-Jul-2021 **Docket No.** 2021-0889-AIR-E **PCW**
Respondent Johns Manville *Policy Revision 5 (January 28, 2021)*
Case ID No. 61011 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100213719
Media Air
Enf. Coordinator Danielle Porras

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH3 MAER of 4.20 lbs/hr by 0.99 lb/hr for the Line 91 Collection Wet Scrubber No. 4 - Stack, EPN 19, resulting in approximately 1,865.16 pounds of unauthorized NH3 emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		50.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1 89 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One quarterly event is recommended from the August 29, 2019 non-compliant stack test date to the November 26, 2019 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$3,125

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

Notes The Respondent achieved compliance on November 26, 2019, prior to the NOE dated June 25, 2021.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$98 **Violation Final Penalty Total** \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

Economic Benefit Worksheet

Respondent Johns Manville
Case ID No. 61011
Reg. Ent. Reference No. RN100213719
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$8,000	29-Aug-2019	26-Nov-2019	0.24	\$98	n/a	\$98

Notes for DELAYED costs

Estimated cost to conduct a stack test demonstrating compliance with the NH3 hourly MAER for EPN 19. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$98

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN601719065, RN100213719, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN601719065, Johns Manville **Classification:** SATISFACTORY **Rating:** 0.19
Regulated Entity: RN100213719, CLEBURNE PLANT **Classification:** HIGH **Rating:** 0.00
Complexity Points: 25 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 200 West Industrial Boulevard, Cleburne, Johnson County, Texas
TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JH00250
AIR NEW SOURCE PERMITS PERMIT 946A
AIR NEW SOURCE PERMITS REGISTRATION 45676
AIR NEW SOURCE PERMITS REGISTRATION 52226
AIR NEW SOURCE PERMITS REGISTRATION 51909
AIR NEW SOURCE PERMITS AFS NUM 4825100004
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1025M1
AIR NEW SOURCE PERMITS REGISTRATION 42504
AIR NEW SOURCE PERMITS REGISTRATION 130233
AIR NEW SOURCE PERMITS REGISTRATION 160971
STORMWATER PERMIT TXR05M753
POLLUTION PREVENTION PLANNING ID NUMBER P00613
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33650

AIR OPERATING PERMITS PERMIT 1677
AIR NEW SOURCE PERMITS REGISTRATION 25373
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JH00250
AIR NEW SOURCE PERMITS REGISTRATION 51910
AIR NEW SOURCE PERMITS REGISTRATION 55281
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1025
AIR NEW SOURCE PERMITS REGISTRATION 91903
AIR NEW SOURCE PERMITS REGISTRATION 112725
AIR NEW SOURCE PERMITS REGISTRATION 107085
AIR NEW SOURCE PERMITS REGISTRATION 161154
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JH00250
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD054385539

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: March 01, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 01, 2017 to March 01, 2022

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

Name: Danielle Porras

Phone: (713) 767-3682

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 17, 2017	(1397014)
Item 2	July 13, 2017	(1410649)
Item 3	October 16, 2017	(1436044)
Item 4	April 16, 2018	(1466638)
Item 5	May 03, 2018	(1481547)
Item 6	October 26, 2018	(1524500)
Item 7	July 15, 2019	(1576173)
Item 8	November 23, 2020	(1690924)
Item 9	February 23, 2021	(1692283)
Item 10	May 19, 2021	(1711993)
Item 11	June 28, 2021	(1704096)
Item 12	August 04, 2021	(1746053)

E. Written notices of violations (NOV) (CCEDS 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.

N/A

F. Environmental audits:

Notice of Intent Date: 10/04/2019 (1603568)

No DOV Associated

G. Type of environmental management systems (EMSs):

1	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED
2	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED

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
JOHNS MANVILLE
RN100213719

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0889-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 Johns Manville (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 fiberglass insulation manufacturing plant located at 200 West Industrial Boulevard in Cleburne, Johnson 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 \$93,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$75,000 of the penalty and \$18,750 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.
9. The Executive Director recognizes that the Respondent conducted stack tests demonstrating compliance with the particulate matter ("PM") and ammonia ("NH₃") hourly maximum allowable emissions rates ("MAERs") for the Line 91 Collection Wet Scrubber No. 1 - Stack, Emissions Point Number ("EPN") 16, the NH₃ hourly MAER for the Line 91 Collection Wet Scrubber No. 2 - Stack, EPN 17, the NH₃ hourly MAER for the Line 91 Collection Wet Scrubber No. 3 - Stack, EPN 18, and the NH₃ hourly MAER for the Line 91 Collection Wet Scrubber No. 4 - Stack, EPN 19, on November 26, 2019.

II. ALLEGATIONS

During a record review conducted on June 22, 2021, an investigator documented that the Respondent:

1. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 946A and PSDTX1025M1, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1677, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the PM MAER of 4.50 pounds per hour ("lbs/hr") by 2.46 lbs/hr and exceeded the NH₃ MAER of 4.20 lbs/hr by 6.13 lbs/hr for the Line 91 Collection Wet Scrubber No. 1 - Stack, EPN 16, resulting in approximately 4,634.64 pounds of unauthorized PM emissions and approximately 11,548.92 pounds of unauthorized NH₃ emissions.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH₃ MAER of 4.20 lbs/hr by 3.70 lbs/hr for the Line 91 Collection Wet Scrubber No. 2 - Stack, EPN 17, resulting in approximately 6,970.80 pounds of unauthorized NH₃ emissions.
3. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH₃ MAER of 4.20 lbs/hr by 6.82 lbs/hr for the Line 91 Collection Wet Scrubber No. 3 - Stack, EPN 18, resulting in approximately 12,848.88 pounds of unauthorized NH₃ emissions.

4. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 946A and PSDTX1025M1, SC No. 1, FOP No. O1677, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted from August 27, 2019 through August 29, 2019, the Respondent exceeded the NH₃ MAER of 4.20 lbs/hr by 0.99 lb/hr for the Line 91 Collection Wet Scrubber No. 4 - Stack, EPN 19, resulting in approximately 1,865.16 pounds of unauthorized NH₃ emissions.

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 No. 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: Johns Manville, Docket No. 2021-0889-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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

9/28/2022

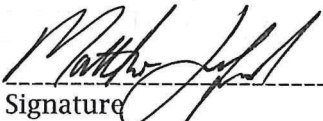
Date

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

05 - 31 - 2022

Date

Matthew Lefeld

Name (Printed or typed)
Authorized Representative of
Johns Manville

Plant Manager

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.