

Executive Summary – Enforcement Matter – Case No. 62196
Owens Corning Insulating Systems, LLC
RN100223585
Docket No. 2022-0422-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:

Wool fiberglass 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: October 18, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,875

Total Paid to General Revenue: \$21,875

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 7, 2021

Date(s) of NOE(s): April 8, 2022

Executive Summary – Enforcement Matter – Case No. 62196
Owens Corning Insulating Systems, LLC
RN100223585
Docket No. 2022-0422-AIR-E

Violation Information

1. Failed to comply with the emissions limit. Specifically, the Respondent exceeded the emissions limit of 0.00025 pound of chromium compounds per ton of glass pulled ("lb of Cr/ton of glass pulled") by 0.00004 lb of Cr/ton of glass pulled during a performance test completed on June 6, 2018 and by 0.00019 lb of Cr/ton of glass pulled during a performance test completed on August 15, 2018 for the V-1 Furnace Dry Electrostatic Precipitator Stack, Emissions Point Number ("EPN") 3, resulting in 1.46 pounds of unauthorized Cr emissions [30 TEX. ADMIN. CODE §§ 101.20(2), 113.710, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1382(a), New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1094, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.G. and 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit the results of the performance tests within 60 days after the date of completing each performance test. Specifically, a performance test for the V-1 Furnace Dry Electrostatic Precipitator Stack was completed on August 15, 2018 and the results were due by October 14, 2018, but were not submitted until October 19, 2018 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.710, 116.115(c), and 122.143(4), 40 CFR §§ 63.12(c) and 63.1386(f), NSR Permit No. 6093, Special Conditions No. 3, FOP No. O1094, GTC and STC Nos. 1.G. and 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On October 19, 2018, submitted the results of the performance test that was completed on August 15, 2018 for the V-1 Furnace Dry Electrostatic Precipitator Stack; and
- b. On November 14, 2018, conducted a performance test demonstrating compliance with the emissions limit of 0.00025 lb of Cr/ton of glass pulled for the V-1 Furnace Dry Electrostatic Precipitator, EPN 3.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 62196
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RN100223585
Docket No. 2022-0422-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kevin R. Ward, Plant Leader, Owens Corning Insulating Systems, LLC, 3700 North IH-35 East, Waxahachie, Texas 75165-6699

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Apr-2022	Screening	12-Apr-2022	EPA Due	4-Oct-2022
	PCW	22-Aug-2024				

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.	62196	No. of Violations	2
Docket No.	2022-0422-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$12,500
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Notes: Enhancement for one NOV with dissimilar violations and six agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,125
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$178
Estimated Cost of Compliance \$8,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,875
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$21,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,875
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$21,875
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Screening Date	12-Apr-2022	Docket No.	2022-0422-AIR-E	PCW
Respondent	Owens Corning Insulating Systems, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62196			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100223585			
Media	Air			
Enf. Coordinator	Amanda Diaz			

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>)	6	120%
	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>)	1	-2%
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) 119%

>> 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 six agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 119%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	12-Apr-2022	Docket No.	2022-0422-AIR-E	PCW									
Respondent	Owens Corning Insulating Systems, LLC	Policy Revision 5 (January 28, 2021)											
Case ID No.	62196	PCW Revision February 11, 2021											
Reg. Ent. Reference No.	RN100223585												
Media	Air												
Enf. Coordinator	Amanda Diaz												
Violation Number	1												
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(2), 113.710, 116.115(c), and 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.1382(a), New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1094, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.G. and 8, and Tex. Health & Safety Code § 382.085(b)												
Violation Description	Failed to comply with the emissions limit. Specifically, the Respondent exceeded the emissions limit of 0.00025 pound of chromium compounds per ton of glass pulled ("lb of Cr/ton of glass pulled") by 0.00004 lb of Cr/ton of glass pulled during a performance test completed on June 6, 2018 and by 0.00019 lb of Cr/ton of glass pulled during a performance test completed on August 15, 2018 for the V-1 Furnace Dry Electrostatic Precipitator Stack, Emissions Point Number ("EPN") 3, resulting in 1.46 pounds of unauthorized Cr emissions.												
		Base Penalty	\$25,000										
>> Environmental, Property and Human Health Matrix													
OR	Release	Harm											
		Major Moderate Minor											
	Actual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">x</td> </tr> </table>			x	Percent 30.0%							
		x											
Potential	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>												
>> Programmatic Matrix													
	Falsification	Major	Moderate	Minor									
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.												
		Adjustment	\$17,500										
			\$7,500										
Violation Events													
Number of Violation Events		1	161 Number of violation days										
	daily	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>				Violation Base Penalty \$7,500							
	weekly	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
	monthly	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
	quarterly	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
	semiannual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td></tr> </table>		x									
	x												
	annual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
	single event	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
One semiannual event is recommended from the first failed performance test completed on June 6, 2018 to the date of compliance on November 14, 2018.													
Good Faith Efforts to Comply		25.0%	Reduction	\$1,875									
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer											
	Extraordinary	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
	Ordinary	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>	x										
x													
	N/A	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> </table>											
	Notes	The Respondent completed the corrective measures on November 14, 2018, prior to the Notice of Enforcement ("NOE") dated April 8, 2022.											
		Violation Subtotal	\$5,625										
Economic Benefit (EB) for this violation													
		Statutory Limit Test											
Estimated EB Amount		\$178	Violation Final Penalty Total		\$13,125								
		This violation Final Assessed Penalty (adjusted for limits)		\$13,125									

Economic Benefit Worksheet

Respondent Owens Corning Insulating Systems, LLC
Case ID No. 62196
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	Costs Saved	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)	\$8,000	5-Jun-2018	14-Nov-2018	0.44	\$178	n/a	\$178

Notes for DELAYED costs

Estimated cost to conduct a performance test demonstrating compliance with the emissions limit of 0.00025 lb of Cr/ton of glass pulled for the V-1 Furnace Dry Electrostatic Precipitator Statck, EPN 3. 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

\$178

Screening Date 12-Apr-2022 Respondent Owens Corning Insulating Systems, LLC Case ID No. 62196 Reg. Ent. Reference No. RN100223585 Media Air Enf. Coordinator Amanda Diaz	Docket No. 2022-0422-AIR-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code §§ 101.20(2), 113.710, 116.115(c), and 122.143(4), 40 CFR §§ 63.12(c) and 63.1386(f), NSR Permit No. 6093, Special Conditions No. 3, FOP No. 01094, GTC and STC Nos. 1.G. and 8, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to submit the results of the performance tests within 60 days after the date of completing each performance test. Specifically, a performance test for the V-1 Furnace Dry Electrostatic Precipitator Stack was completed on August 15, 2018 and the results were due by October 14, 2018, but were not submitted until October 19, 2018.	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Percent

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Percent

Matrix Notes	100% of the rule requirements were not met.
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Adjustment

Violation Events

Number of Violation Events	<input style="width: 30px;" type="text" value="1"/>	<input style="width: 30px;" type="text" value="5"/>	Number of violation days
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	daily	<input type="text"/>	Violation Base Penalty
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	

Violation Base Penalty

One single event is recommended.	
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Good Faith Efforts to Comply

	25.0%	
	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 completed the corrective measures on October 19, 2018, prior to the NOE dated April 8, 2022.	

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount	<input style="width: 50px;" type="text" value="\$0"/>	Statutory Limit Test
		Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$8,750"/>
		This violation Final Assessed Penalty (adjusted for limits) <input style="width: 50px;" type="text" value="\$8,750"/>

Economic Benefit Worksheet

Respondent Owens Corning Insulating Systems, LLC
Case ID No. 62196
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	Costs Saved	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)	\$250	14-Oct-2018	19-Oct-2018	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the results of the performance test that was completed on August 15, 2018 for the V-1 Furnace Dry Electrostatic Precipitator Stack. The Date Required is the date the report was due and the Final Date is the date the report was submitted.

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

\$250

TOTAL

\$0

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 CN603159088, RN100223585, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603159088, Owens Corning Insulating Systems, LLC **Classification:** SATISFACTORY **Rating:** 25.91

Regulated Entity: RN100223585, OWENS CORNING INSULATING SYSTEMS WAXAHACHIE PLANT **Classification:** SATISFACTORY **Rating:** 25.91

Complexity Points: 16 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3700 NORTH INTERSTATE HIGHWAY 35 EAST, WAXAHACHIE, ELLIS COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER ED00510

AIR NEW SOURCE PERMITS PERMIT 6093

AIR NEW SOURCE PERMITS AFS NUM 4813900005

AIR NEW SOURCE PERMITS REGISTRATION 78155

AIR NEW SOURCE PERMITS REGISTRATION 113627

AIR NEW SOURCE PERMITS REGISTRATION 162524

WASTEWATER PERMIT WQ0001178000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER ED00510

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD007332570

TAX RELIEF ID NUMBER 16622

AIR OPERATING PERMITS PERMIT 1094

AIR NEW SOURCE PERMITS ACCOUNT NUMBER ED00510

AIR NEW SOURCE PERMITS REGISTRATION 45087

AIR NEW SOURCE PERMITS REGISTRATION 84393

AIR NEW SOURCE PERMITS REGISTRATION 162525

STORMWATER PERMIT TXR05ED40

WASTEWATER EPA ID TX0065749

POLLUTION PREVENTION PLANNING ID NUMBER P00494

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31420

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

Date Compliance History Report Prepared: June 21, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 21, 2017 to June 21, 2022

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

Name: Kate Dacy

Phone: (512) 239-4593

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: 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

- 2 Effective Date: 02/04/2019 ADMINORDER 2017-1451-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: 6093, Special Condition 1 PERMIT
FOP No. O1094, GTC and STC No. 8 OP
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on May 15, 2017, TCEQ/STEERS Incident No. 257961.
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: 6093, Special Condition 1 PERMIT
FOP No. O1094, GTC and STC No. 8 OP
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on May 16, 2017, TCEQ/STEERS Incident No. 257966.
- 3 Effective Date: 12/03/2019 ADMINORDER 2019-0153-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
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 177.81 pounds of particulate matter from the V-3 Mixed Batch Bin, Emissions Point Number 37, during an emissions event that began on August 13, 2018 and lasted one hour and 30 minutes. The emissions event occurred when the diverter gate on the V-3 Transport System failed due to the lack of pneumatic air required to activate the gate that caused the diverter gate to not move into the proper position, the second bin to
- 4 Effective Date: 03/05/2020 ADMINORDER 2019-0397-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC & STC No. 2.F OP
Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§101.201(a)(1)(B) and 122.143(4), FOP No. O1094, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the initial notification for Incident No. 294028 was due by October 12, 2018 at 7:41 p.m., but was not submitted until October 23, 2018 at 3:53 p.m.
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: GTC & STC No. 8 OP
SC No. 5 PERMIT
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 276.6 pounds ("lbs") of particulate matter ("PM") and experienced 40 percent ("%") opacity from the V-1 Furnace Dry Electrostatic Precipitator Bypass Stack, EPN 6, during an emissions event (Incident No. 294028) that began on October 11, 2018 and lasted nine hours and 23 minutes. The emissions event occurred when the rappers for Switch Integrated Rectifier Nos. 2 and 3 of the Dry Electrostatic Precipitator were
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC & STC No. 2.G OP
Description: Failure to submit a notification 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 122.143(4), FOP No. 01094, GTC and STC No. 2.G, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the Respondent scheduled a maintenance activity on October 31, 2018 for a November 6, 2018 maintenance activity (Incident No. 296489). The no

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: GTC & STC No. 8 OP

SC No. 5 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 1,064.45 lbs of PM and experienced 40% opacity from the V-1 Furnace Dry Electrostatic Precipitator Bypass Stack, EPN 6, during an emissions event (Incident No. 296489) that began on November 6, 2018 and lasted 36 hours and 10 minutes.

5 Effective Date: 06/16/2020 ADMINORDER 2019-1021-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 2.G OP

Description: Failure to notify the TCEQ Dallas-Fort Worth (DFW) Regional Office of an unplanned, scheduled maintenance event at least ten days or as soon as practicable prior to the activity.

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: GTC and STC No. 10 OP

Special Condition 1 PERMIT

Special Condition 5 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an unplanned, scheduled maintenance activity that took place on February 13, 2019, TCEQ/STEERS Incident No. 302724.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 2.G OP

Description: Failure to notify the TCEQ Dallas-Fort Worth (DFW) Regional Office of an unplanned, scheduled maintenance event at least ten days or as soon as practicable prior to the activity

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: SC No. 5 PERMIT

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an unplanned, scheduled maintenance activity that took place on March 12, 2019, TCEQ/STEERS Incident No. 304479.

6 Effective Date: 08/19/2021 ADMINORDER 2020-1168-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EEffluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 26, 2017	(1432076)
Item 2	August 07, 2017	(1429853)
Item 3	August 21, 2017	(1444331)
Item 4	August 31, 2017	(1430958)
Item 5	October 24, 2017	(1456789)
Item 6	November 29, 2017	(1462252)
Item 7	December 18, 2017	(1468634)
Item 8	January 18, 2018	(1475344)
Item 9	February 20, 2018	(1487541)
Item 10	March 26, 2018	(1491218)
Item 11	April 10, 2018	(1494470)
Item 12	May 21, 2018	(1501416)
Item 13	June 20, 2018	(1508509)
Item 15	July 20, 2018	(1514839)
Item 16	September 05, 2018	(1511757)
Item 17	September 17, 2018	(1528073)
Item 18	October 23, 2018	(1534417)
Item 19	November 28, 2018	(1542251)
Item 20	January 02, 2019	(1546019)
Item 21	January 31, 2019	(1562095)
Item 22	March 04, 2019	(1562093)
Item 23	July 01, 2019	(1571546)
Item 24	September 03, 2019	(1593964)
Item 25	September 25, 2019	(1580312)
Item 26	October 18, 2019	(1614032)
Item 27	November 20, 2019	(1619844)
Item 28	November 27, 2019	(1602716)
Item 29	December 11, 2019	(1627205)
Item 30	January 13, 2020	(1634841)
Item 31	February 18, 2020	(1641456)
Item 32	May 20, 2020	(1660882)
Item 33	July 16, 2020	(1674364)
Item 34	July 21, 2020	(1659159)
Item 35	July 23, 2020	(1663984)
Item 36	July 27, 2020	(1658993)
Item 37	August 18, 2020	(1681139)
Item 38	October 19, 2020	(1694054)
Item 39	November 04, 2020	(1714819)
Item 40	December 15, 2020	(1714820)
Item 41	December 16, 2020	(1692239)
Item 42	January 13, 2021	(1714821)
Item 43	February 09, 2021	(1727887)
Item 44	March 09, 2021	(1702895)
Item 45	March 11, 2021	(1727888)
Item 46	April 15, 2021	(1727889)
Item 47	May 20, 2021	(1741236)
Item 48	June 17, 2021	(1747998)
Item 49	June 29, 2021	(1736697)
Item 51	July 19, 2021	(1752488)
Item 52	August 11, 2021	(1745229)
Item 53	August 12, 2021	(1745483)
Item 54	September 16, 2021	(1767144)
Item 55	October 15, 2021	(1777616)
Item 56	November 10, 2021	(1784415)
Item 57	December 16, 2021	(1791445)
Item 58	January 05, 2022	(1799227)
Item 59	January 27, 2022	(1774872)
Item 60	February 11, 2022	(1807105)
Item 61	March 07, 2022	(1814169)

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.

1	Date:	07/31/2021	(1757915)	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

Notice of Intent Date: 07/02/2018 (1499989)
 Disclosure Date: 12/20/2018
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter R 335.503
 30 TAC Chapter 335, SubChapter R 335.505
 30 TAC Chapter 335, SubChapter R 335.506
 30 TAC Chapter 335, SubChapter R 335.508
 30 TAC Chapter 335, SubChapter R 335.513
 Description: Current waste classifications did not accurately reflect the types of waste generated by the Waxahachie plant and did not include required documentation.

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. 2022-0422-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 wool fiberglass 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 \$21,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$21,875 of the penalty.
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 implemented the following corrective measures at the Plant:
 - a. On October 19, 2018, submitted the results of the performance test that was completed on August 15, 2018 for the V-1 Furnace Dry Electrostatic Precipitator Stack; and
 - b. On November 14, 2018, conducted a performance test demonstrating compliance with the emissions limit of 0.00025 pound of chromium compounds per ton of glass pulled ("lb of Cr/ton of glass pulled") for the V-1 Furnace Dry Electrostatic Precipitator, Emissions Point Number ("EPN") 3.

II. ALLEGATIONS

During a record review for the Plant conducted on September 7, 2021, an investigator documented that the Respondent:

1. Failed to comply with the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.710, 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.1382(a), New Source Review ("NSR") Permit No. 6093, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1094, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") Nos. 1.G. and 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the emissions limit of 0.00025 lb of Cr/ton of glass pulled by 0.00004 lb of Cr/ton of glass pulled during a performance test completed on June 6, 2018 and by 0.00019 lb of Cr/ton of glass pulled during a performance test completed on August 15, 2018 for the V-1 Furnace Dry Electrostatic Precipitator Stack, EPN 3, resulting in 1.46 pounds of unauthorized Cr emissions.
2. Failed to submit the results of the performance tests within 60 days after the date of completing each performance test, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.710, 116.115(c), and 122.143(4), 40 CFR §§ 63.12(c) and 63.1386(f), NSR Permit No. 6093, Special Conditions No. 3, FOP No. O1094, GTC and STC Nos. 1.G. and 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, a performance test for the V-1 Furnace Dry Electrostatic Precipitator Stack was completed on August 15, 2018 and the results were due by October 14, 2018, but were not submitted until October 19, 2018.

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: Owens Corning Insulating Systems, LLC, Docket No. 2022-0422-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

11/22/2024

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 OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

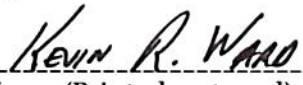
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11/5/2024

Date



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



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.