

**FILED**

**May 27, 2025**

**11:12AM**

**U.S. EPA REGION 7  
HEARING CLERK**

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219**

**In the Matter of:** )  
 )  
**Owens Corning Insulating Systems, LLC,** ) **Docket No. CAA 07-2024-0119**  
 )  
**Respondent.** )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and Owens Corning Insulating Systems, LLC (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

**Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties initiated pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, in which the first date of alleged violation occurred more than twelve months prior to the initiation of the administrative action was appropriate for administrative penalty action.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated the Missouri State Implementation Plan (SIP), which was approved by the Administrator of EPA pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, and that Respondent is therefore in violation of the federally approved SIP. Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of the EPA's intent to issue an order assessing penalties for these violations.

**Parties**

3. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is Owens Corning Insulating Systems, LLC, a limited liability company in the State of Delaware and authorized to do business in the State of Missouri, which is the owner and operator of a mineral wool manufacturing facility located at 1983 State Line Road, Joplin, Missouri (Respondent's Facility).

### **Statutory and Regulatory Background**

5. The CAA was promulgated "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." 42 U.S.C. § 7401(b)(1).

6. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP that provides for the attainment and maintenance of the National Ambient Air Quality Standards.

7. Section 110 of the CAA, 42 U.S.C. § 7410, grants the Administrator of the EPA authority to approve a state plan which provides for implementation, maintenance, and enforcement of a standard in each air quality control region within the state.

8. Portions of the regulations in Chapter 6, Division 10 of the Missouri Code of State Regulations, were adopted as part of the federally approved SIP.

9. The regulations appearing at Section (8) of Missouri State Rule 10 CSR 10-6.060, Construction Permits Required, were incorporated into and part of the Missouri SIP at the time of the violations alleged in this CAFO. All citations herein refer to provisions of the Missouri SIP as applicable at the times of the violations alleged herein.

10. EPA promulgated approval of Section (8) of 10 CSR 10-6.060, as part of the federally enforceable SIP for the State of Missouri on May 8, 1980, 45 FR 30626. Since then, EPA has approved several revisions of 10 CSR 10-6.060 into the federally enforceable SIP at 40 C.F.R. Part 52, Subpart AA.

11. Section (8) pertains to attainment and unclassified area major permits and incorporates by reference 40 C.F.R. Part 52.21, prevention of significant deterioration of air quality.

12. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, after SIPs are approved by EPA, they are enforceable both by the respective states in which they are adopted and, pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b), by the United States.

13. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of thirty (30) days following the date on which such notice of a violation is issued, the Administrator may issue an order requiring such person to comply with the requirements or prohibitions of such plan or permit.

14. Section 113(b)(1) of the CAA, 42 U.S.C. § 7413(b)(1) provides that the Administrator shall commence a civil action to assess and recover a civil penalty of not more

than \$25,000 per day for each violation whenever a person has violated, or is in violation of, any requirement or prohibition of an applicable implementation plan.

15. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” as an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

16. “Stationary source” means “generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle.” 42 U.S.C. § 7602(z).

17. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), authorizes the Administrator to issue an administrative order against any person assessing a civil penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of the CAA referenced therein, including Section 112, and the implementing regulations. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$59,114 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025.

### **General Factual Allegations**

18. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

19. Respondent is, and at all times referred to herein was, the owner and/or operator of a mineral wool manufacturing facility located at 1983 State Line Road, Joplin, Missouri.

20. Respondent’s Facility is a “stationary source” as defined in Section 302(z) of the CAA, 42 U.S.C. § 7602(z).

21. The raw materials used to make the mineral wool, including iron, steel, copper slags and non-metallic minerals are combined in the Mix Building (EU-08) at Respondent’s Facility, then crushed and moved to the cupola via conveyer belt to be melted.

22. Respondent’s Facility was subject to Section (8) of 10 CSR 10-6.060 New Source Review permitting, which is required for the construction of a new air pollution source, or the modification of an existing source. The Missouri Department of Natural Resources (MoDNR) issued Respondent’s facility a construction permit (No. 052016-003) on May 9, 2016.

23. Construction Permit No. 052016-003 contains standard and special conditions.

24. Section 20 of Construction Permit No. 052016-003, Demonstration of 100% Capture Efficiency, F.2, Mix Building, states “OCIS shall maintain no visible emissions exiting from the mix building at all times. Compliance shall be demonstrated using EPA Method 9, however no readings shall be higher than zero. Compliance shall be demonstrated once weekly while the mix building is operating.”

25. On July 25 – 26, 2023, a duly authorized representative from EPA Region 7 conducted an unannounced full compliance evaluation at Respondent’s Facility to determine compliance with the CAA.

26. On January 16, 2025, EPA issued a Notice of Violation (NOV) to Respondent for violations of provisions of Missouri’s State Rules, approved by EPA as part of the Missouri SIP.

### **Allegations of Violation**

27. Complainant hereby states and alleges that Respondent has violated the CAA as follows.

28. Paragraphs 18 – 26 are incorporated by reference herein.

29. Between July 25, 2022, and July 25, 2023, Respondent failed to conduct weekly Method 9 observations on the Mix House, as required by Section 20.F.2 of Construction Permit No. 052016-003.

30. The requirements in Section 20.F.2 of Construction Permit No. 052016-003 are based upon Section (8) of 10 CSR 10-6.060, which is part of Missouri’s federally approved SIP.

31. Respondent’s failure to conduct weekly Method 9 observations on the Mix House pursuant to the requirements of Construction Permit No. 052016-003, as required by Section (8) of 10 CSR 10-6.060, is a violation of the federally approved Missouri SIP.

### **CONSENT AGREEMENT**

32. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the alleged violations of law stated herein;
- c. consents to the assessment of a civil penalty stated herein;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;

- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this Consent Agreement.

33. By signing this Consent Agreement and Final Order, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

34. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

35. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

36. The parties consent to service of this Consent Agreement and Final Order electronically at the following e-mail addresses: *palumbo.antonette@epa.gov* (for Complainant) and *madeline.fleisher@owenscorning.com* (for Respondent). Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

#### **Penalty Payment**

37. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of sixty-seven thousand one hundred seventy-eight dollars (\$67,178) as set forth below.

38. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

39. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk  
*R7\_Hearing\_Clerk\_Filings@epa.gov*; and

Antonette Palumbo, Attorney  
*palumbo.antonette@epa.gov*.

40. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of the delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

41. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (IRS) annually, a completed IRS Form 1098-F (Fines, Penalties, and Other Amounts) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (Request for Taxpayer Identification Number and Certification), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at [sherrer.dana@epa.gov](mailto:sherrer.dana@epa.gov) within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall notify EPA of this fact within 30 days after the Effective Date of this Consent Agreement and Final Order, and email EPA with Respondent's TIN within 5 days of Respondent's issuance and receipt of the TIN.

### **Effect of Settlement and Reservation of Rights**

42. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the facts and violation alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of the CAA or any other applicable law.

43. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in the paragraph directly below.

44. Respondent certifies by the signing of the Consent Agreement that it is presently in compliance with all requirements of the CAA and its implementing regulations.

45. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA and regulations promulgated thereunder.

46. The allegations in this Consent Agreement and Final Order constitute "prior violations" as that term is used in EPA's Clean Air Act Stationary Source Civil Penalty Policy to determine Respondent's "history of noncompliance" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

47. Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

### **General Provisions**

48. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and have the legal capacity to bind the party they represent to this Consent Agreement.

49. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the

Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

50. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, or local taxes.

51. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.



**RESPONDENT:**  
**OWENS CORNING INSULATING SYSTEMS, LLC**

Date: 5/15/2025



Digitally signed by Bauer II, Dirk  
Date: 2025.05.16 09:01:03  
-05'00'

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Dirk Bauer II

Name

\_\_\_\_\_  
Plant Leader

Title

**COMPLAINANT:**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY**

---

Date

---

David Cozad  
Director  
Enforcement and Compliance Assurance Division

---

Antonette  
Palumbo

Digitally signed by  
Antonette Palumbo  
Date: 2025.05.21  
07:49:19 -05'00'

---

Date

---

Antonette Palumbo  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 7

### **FINAL ORDER**

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

*(to be completed by EPA)*

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via E-mail to Complainant:

Antonette Palumbo, Assistant Regional Counsel, *palumbo.antonette@epa.gov*,

Sean Bergin, Case Review Officer, *bergin.sean@epa.gov*,

Carrie Venerable, Paralegal, *venerable.carrie.@epa.gov*.

Copy via E-mail to Respondent:

Madeline Fleisher, Senior Counsel, Owens Corning Insulating Services,  
*madeline.fleisher@owenscorning.com*

Dave Jacobs, Environmental Regional, Owens Corning Insulating Services,  
*Dave.jacobs@owenscorning.com*

Grace Berry, EHS Leader, Owens Corning Joplin  
*Grace.berry@owenscorning.com*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed