



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, Ohio 43216-1049

CERTIFIED MAIL

July 21, 2006

Re: Director's Final Findings & Orders
PPG Industries, Inc.
US EPA ID No.: OHD 004 198 917

Richard V. Bauer, Sr., Plant Manager
PPG Industries, Inc.
4829 Fairland Road
Barberton, Ohio 44203

Dear Mr. Bauer:

Here are the Director's Final Findings and Orders (Orders) issued to PPG Industries, Inc. on July 21, 2006. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order No. 1.a. through b. Please remember that your first payments are due no later than August 20, 2006.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Kurt Princic, Manager, DHWM, NEDO (330) 963-1200.

Sincerely,

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

enf.SynChem, Inc., FFO's

Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Fran Kovac, Legal
Heidi Greismer, PIC
Kurt Princic, Mgr., DHWM, NEDO
Jim Kavalec, DHWM, CO

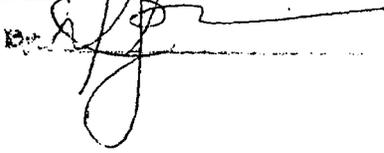
Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director



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I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency

 7-21-06

OHIO E.P.A.

JUL 21 2006

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

PPG Industries, Inc.
4829 Fairland Road
Barberton, Ohio 44203

Respondent

Director's Final
Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to PPG Industries, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent manufactures specialty chemicals and synthetic paper products at its facility located at 4829 Fairland Road, Barberton, Ohio (Facility). Respondent is the owner and operator of the Facility. Respondent was authorized to do business in Ohio on January 24, 1921.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD004198917 and hazardous waste storage permit number 02-77-0453.
4. At the Facility, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent is identified as a large quantity generator of hazardous waste and a permitted storage facility. Respondent operates a hazardous waste container storage area. The hazardous wastes generated by Respondent includes, but is not limited to, monomer production wastes, waste water treatment plant sludges, filters and carbon, spent solvents, filters contaminated with methylene chloride and Teslin wastes.
5. On December 29, 2004, Respondent self-reported that one 55-gallon drum of hazardous waste had been stored on-site in excess of the one year period specified by Respondent's hazardous waste storage permit and six 55-gallon drums of hazardous waste had been stored for greater than 90 days. Specifically, the six 55-gallon drums were stored for 104 days.
6. By letter dated January 7, 2005, Ohio EPA notified Respondent that Respondent was in violation of ORC 3734.02(E) and (F), Permit Condition C.4 and OAC rule 3745-270-50(B) for storing hazardous wastes for greater than 90 days and in excess of the time limitations set forth in Respondent's hazardous waste storage permit.
7. By letter dated January 13, 2005, Respondent submitted to Ohio EPA a Self-Notification of Non-Compliance Report regarding the exceedances referenced in Finding Nos. 5. and 6. of these Orders.
8. By letter dated February 4, 2005, Respondent submitted to Ohio EPA a response to the January 7, 2005 notice of violation letter referenced in Finding No. 6. of these Orders.
9. By letter dated February 28, 2005, Ohio EPA notified Respondent that the violations referenced in Finding No. 6. of these Orders had been abated.

10. By letter dated March 7, 2005, Respondent self-reported to Ohio EPA that two 55-gallon drums of hazardous waste had been stored on-site for greater than 90 days. Specifically, one drum was stored for 135 days and the other for 63 days beyond the 90 day time period allowed per the hazardous waste regulations.
11. As a result of the March 7, 2005 letter, on March 31, 2005, Ohio EPA conducted a compliance evaluation inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had stored hazardous waste for greater than 90 days without a permit, in violation of ORC 3734.02(E)&(F).
12. By letter dated April 11, 2005, Ohio EPA notified Respondent of the violation referenced in Finding No. 11. of these Orders. In this same letter, Ohio EPA notified Respondent that no further action was required to abate this violation.
13. By letter dated May 20, 2005, Respondent submitted to Ohio EPA a response to the April 11, 2005 notice of violation letter referenced in Finding No. 12. of these Orders.
14. On June 21, 2005, Ohio EPA conducted a compliance evaluation inspection of the Facility. As a result of this inspection, Ohio EPA determined that Respondent had, *inter alia*:
 - a. Failed to keep a container of Universal Waste bulbs closed, in violation of OAC rule 3745-273-13(D)(1);
 - b. Failed to label two containers with the hazardous waste accumulation date, in violation of Permit Condition C.1. and OAC rule 3745-52-34(A)(2);
 - c. Failed to label containers of used oil, in violation of OAC rule 3745-279-22(C)(1). This violation was abated at the time of the inspection;
 - d. Failed to provide annual personnel training documentation for one employee, in violation of Permit Condition B.6 and OAC rule 3745-54-16(E); and
 - e. Failed to maintain a copy of a hazardous waste manifest at the Facility, in violation of Permit Condition B.23 and OAC rule 3745-52-40(A). During the inspection, Respondent had a copy of this manifest faxed to the Facility; therefore, this violation was abated at the time of

the inspection.

15. By letter dated July 7, 2005, Ohio EPA notified Respondent of the violations referenced in Finding No. 14. of these Orders.
16. By letter dated September 19, 2005, Respondent submitted to Ohio EPA a response to the July 7, 2005 notice of violation letter referenced in Finding No. 15. of these Orders.
17. By letter dated November 8, 2005, Ohio EPA notified Respondent that the violations referenced in Finding Nos. 14.a., 14.b. and 14.d. had been abated.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent shall pay Ohio EPA the amount of \$14,700.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., in accordance with the following provisions:
 - a. Within 30 days after the effective date of these Orders; Respondent shall pay Ohio EPA the amount of \$11,760.00 in settlement of Ohio EPA's claims for civil penalties which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$11,760.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders.
 - b. In lieu of paying the remaining \$2,940.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$2,940.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD). Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$2,940.00. The official check shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders, and

an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

- c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 1.b., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 1.b., the amount of \$2,940.00 in accordance with the procedures in Order No. 1.a.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V. of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Director's Final Findings and Orders
PPG Industries, Inc.
Page 6 of 7

Ohio Environmental Protection Agency
Northeast District Office
Division of Hazardous Waste Management
2110 East Aurora Road
Twinsburg, Ohio 44087
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
122 South Front Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and

satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

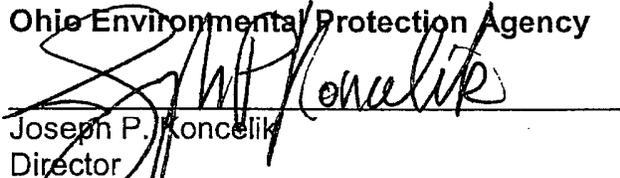
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



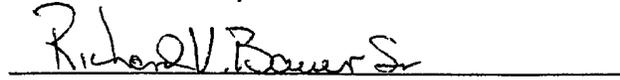
Joseph P. Koncelik
Director

JUL 21 2006

Date

IT IS SO AGREED:

PPG Industries, Inc.



Signature

7/10/06

Date

Richard V. Bauer, Sr.

Printed or Typed Name

Plant Manager

Title