BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Owens Corning Science and Technology, LLC
One Owens Corning Parkway
Toledo, Ohio 43659

Respondent

Director's Final Findings and Orders

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Owens Corning Science and Technology, LLC (Respondent) pursuant to the authority vested in the director of the Ohio Environmental Protection Agency (Ohio EPA) under §§ 3734.13, 3734.20, 3745.01 and 6111.03 of the Ohio Revised Code (ORC).

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 relating to the Facility shall in any way alter Respondent's obligations under these Orders. Respondent's obligations under these Orders may be altered only by the written action of the director of Ohio EPA.

III. DEFINITIONS

Unless otherwise stated, all terms in these Orders shall have the same meaning as defined in Chapter 3734 and the rules promulgated thereunder. Whenever the terms listed below are used in these Orders or in any appendices, attached hereto and incorporated herein, the following definitions shall apply:

1. "Day" shall mean a calendar day unless expressly stated to be a business day.

"Facility" shall mean the site owned by Respondent located at 2790 Columbus Road, State Route 16, Granville, Ohio U.S. EPA Identification Number OH-D039992516.

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

[Signature]
Date: 10-12-10
2. "Parties" shall mean Respondent (Owens Corning Science and Technology, LLC) and Ohio EPA.

3. "RCRA Corrective Measures Implementation" (CMI) shall mean the activities undertaken to implement the Site remedy identified in the Decision Document by Ohio EPA and any subsequent amendments.

4. "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of hazardous waste or hazardous constituents into the environment.

5. "Work" shall mean any activities the Respondent is required to perform to comply with the requirements of these Orders and its Attachment(s) as described below.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13, 6111.03 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 of fact:

1. Respondent is a "person" as defined in ORC §§ 3734.01(G) and 6111.01(I), and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent is a Delaware limited liability company whose registered agent in Ohio is CT Corporation System, 815 Superior Avenue, NE, Cleveland, Ohio 44114.

3. Respondent currently owns and operates the Facility located at 2790 Columbus Road, State Route 16, Granville, Licking County, Ohio. The Facility is located on approximately 547.71 acres consisting of twenty (20) main buildings used as Owens Corning's primary research and development center and is surrounded by State Route 37 to the north, by open fields to the east, by State Route 16 and residential areas to the south, and by Raccoon International Golf Course and open fields to the west. Raccoon Creek is located along the north side of State Route 37 and several unnamed tributaries run through the Facility property. Several quarry ponds are located on the Facility property.

4. On or about May 15, 1981, Respondent filed a RCRA Part A permit application with the U.S. EPA, thereby meeting the requirements for interim status. In its Part A
permit application, Respondent identified that it stored the following hazardous wastes at the Facility:

a. Hazardous waste exhibiting the characteristics of ignitability, reactivity, corrosivity and EP or TC toxicity (D001 – D005); and

b. Hazardous waste from non-specific sources (F001, F002, F003, F005, and F017).

5. On June 9, 1981, Respondent submitted a Notification of Potential Hazardous Waste Site to U.S. EPA. The notification identified the following areas to have had likely releases of hazardous waste or hazardous constituents: the Waste water Treatment Unit, the Weathering Farm Landfill, the Test Homes Landfill, Three (3) miscellaneous Burial Sites (B through D). Hazardous wastes, coded D001 and D003, were reported to be burned and otherwise disposed of in unoccupied areas of the Facility releasing wastes to the air, soil, and surface water. Hazardous wastes, coded D003, were reportedly fired upon with a gun from a distance to initiate explosive decomposition. Waste liquids were reported to have been poured on the ground, and into ravines and ditches, releasing waste material into the soil and surface water.

6. On March 13, 1985, a Preliminary Assessment of the Facility was completed by Ohio EPA to determine if there were releases from waste management units or areas of concern which posed a potential threat to human health or the environment. A Revised Preliminary Assessment was completed by Ohio EPA on March 29, 1993 and provided to Respondent on April 21, 1993. A Preliminary Assessment and Visual Site Inspection (PA/VSI) was completed by a U.S. EPA contractor on January 4, 1994. Based upon review of the above documents, including review of additional Ohio EPA records and information provided by the Respondent, thirty-two (32) Waste Management Units (WMUs) and one (1) Area of Concern (AOC) were identified at the Facility.

7. In a letter dated October 10, 1988, and received by Ohio EPA on October 13, 1988, Respondent submitted a closure plan for the Former Greater Than 90-Day Container Storage Area. This Former Container Storage Area was made up of four (4) separate storage areas at the Facility known as Areas 1, 2, 3, and 4. On August 14, 1989, Ohio EPA approved Respondent’s closure plan. Respondent submitted a closure certification to Ohio EPA on October 15, 1993 for the Former Container Storage Area, and the certification was accepted by Ohio EPA on June 27, 1994.
8. Under RCRA, the Corrective Action program was established to address threats to human health and the environment from historic or past WMUs and AOCs at RCRA treatment, storage or disposal facilities. To address RCRA Corrective Action requirements at the Facility, Respondent, on October 31, 2000, entered into consensual Director’s Final Findings and Orders with Ohio EPA that required the Respondent to implement a RCRA Facility Investigation (RFI), release assessment, interim measures (if required), and a Corrective Measures Study, as necessary to address site conditions.

9. On June 2, 2003, Respondent submitted a RFI Report to Ohio EPA. Comments regarding the RFI report were provided to the Respondent on September 29, 2003. A Revised RFI Report was submitted to Ohio EPA on May 17, 2004 and comments regarding this revised report were provided to the Respondent on April 26, 2005.

10. On May 4, 2007, Respondent submitted a Supplemental RFI Report to Ohio EPA presenting summaries from fish sampling and analyses from the on-site ponds, and soil and ground water sampling and analyses from specified WMUs. On October 17, 2007, Respondent submitted to Ohio EPA a Revised Supplemental RFI Report summarizing additional investigation results and proposed remedies for all WMUs and the AOC. On March 19, 2008, Respondent submitted a Final Revised Supplemental RFI Report to Ohio EPA. This final report provided summaries of site-wide investigations and presented proposed corrective measures for each WMU and AOC, and the entire Facility as a whole.

11. On May 7, 2008, Ohio EPA issued for public comment a Statement of Basis which set forth the results of Facility investigations and the proposed corrective measures for the Facility. Notification regarding issuance of the Statement of Basis appeared in the Newark Advocate newspaper on May 8, 2008. Written comments relevant to the Statement of Basis were submitted by Respondent. No other public comments were submitted.

12. Based on the information gathered and analyzed in the RFI, on August 29, 2008, Ohio EPA selected the corrective measures for the Facility in a Declaration and Decision Document, which described the selected corrective measures. The selected corrective measures included the implementation of an Ohio EPA-approved Operation and Maintenance Plan (O&M Plan) and the imposition of an Environmental Covenant at the Facility meeting the requirements of ORC §§ 5301.80 through 5301.92.
13. Respondent’s property is a hazardous waste facility, solid waste facility or other location where hazardous waste was treated, stored or disposed. There is or has been a release of hazardous waste or hazardous constituents into the air, soil, sediment, surface water, and ground water from the Facility.

14. Hazardous wastes reportedly generated and managed at the Facility include, but may not be limited to, the following hazardous wastes and designated hazardous waste codes: chlorinated solvents (F002); paint waste (D001); waste laboratory chemicals (D001 through D011, D014, D018, D022, D035, D038, D040, F001, F002, F003, F005, P028, P090, P098, P105, U002, U003, U007, U008, U009, U012, U019, U020, U031, U039, U040, U044, U048, U052, U056, U067, U069, U070, U080, U081, U082, U084, U096, U101, U107, U108, U112, U113, U117, U122, U124, U125, U134, U147, U151, U154, U159, U162, U165, U170, U175, U182, U188, U190, U196, U198, U201, U211, U213, U219, U220, and U222).

15. Because of their quantity, concentration or physical or chemical characteristics, the Director determined that the chlorinated solvent wastes, paint waste, waste laboratory chemicals, and other contaminants found at the Facility are “hazardous wastes” as defined under Section 3734.01 of the Ohio Revised Code.

16. The ground water and surface water at the Facility are “waters of the state” as defined under Section 6111.01(H) of the Ohio Revised Code.

17. Conditions at the Facility may constitute a substantial threat to public health or safety or are causing or contributing or threatening to cause or contribute to air or water pollution or soil contamination.

18. By letter dated February 2, 2010, Ohio EPA approved Respondent’s O&M Plan. The O&M Plan requires Respondent to conduct long-term ground water monitoring, monitor land use in the area near WMU 28, and maintain the integrity of the waste water treatment system, the two (2) on-site landfills and the ground water interceptor trench.

19. Respondent agrees to implement the selected corrective measures as set forth in Ohio EPA’s Declaration and Decision Document.
V. GENERAL PROVISIONS

Respondent shall perform the Work in accordance with these Orders, including but not limited to, relevant guidance documents and all standards, specifications and schedules set forth in or developed pursuant to these Orders, as described below.

All activities undertaken by Respondent pursuant to these Orders shall be performed in accordance with the requirements of all applicable federal and state laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Respondent’s ownership or operation of the facility.

Where any portion of the Work requires a permit or approval, Respondent shall timely submit applications and take all other actions necessary to obtain such permits or approval. These Orders are not, and shall not be construed to be, a permit issued pursuant to any statute or regulation. Ohio EPA shall use its best efforts to promptly consider and decide upon permit applications which Respondent may be required to submit pursuant to the Work required to be performed under these Orders.

VI. 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 submit to Ohio EPA, within fourteen (14) business days after the effective date of these Orders, an Environmental Covenant in accordance with ORC §§ 5301.80 through 5301.92. The Environmental Covenant shall restrict site-wide ground water use for drinking water to a depth of forty (40) feet and prohibit both residential use of and public access to the areas surrounding WMU 7, WMU 8, WMU 9.

2. The approved O&M Plan referenced in Finding No. 18. shall be incorporated in and made an enforceable part of these Orders. The approved O&M Plan requires Respondent to conduct long-term ground water monitoring, monitor land use in the area near WMU 28, and maintain the integrity of the waste water treatment system, the two (2) on-site landfills and the ground water interceptor trench. The O&M Plan shall be implemented in accordance with the terms and conditions contained therein. Subsequent changes to the approved O&M Plan must be authorized by Ohio EPA.
3. Within sixty (60) days after the effective date of these Orders, Respondent shall establish and provide financial assurance in the amount necessary to implement any corrective measure(s). To meet the financial assurance requirement, Respondent may utilize the financial assurance mechanisms identified in OAC rules 3745-55-43.

4. Respondent shall provide a copy of these Orders to all contractors, subcontractors, laboratories and consultants retained to perform any portion of the work pursuant to these Orders. Respondent shall ensure that all contractors, subcontractors, laboratories and consultants retained to perform work pursuant to these Orders comply with the provisions of these Orders.

5. For the duration of these Orders, Respondents shall use reasonable best efforts to assure that no portion of the Facility will be used in any manner which would adversely affect the integrity of any corrective measures, including monitoring systems, at the Facility. Respondent shall promptly notify Ohio EPA by registered mail of any conveyance of any interest in real property which is known to comprise the Facility of which it has actual knowledge. Respondent’s notice shall include the name and address of the grantee and a description of the provisions made for continued maintenance of containment and monitoring systems. In no event shall the conveyance of any interest in the property that includes, or is a portion of, the Facility, release or otherwise affect the liability of Respondent to comply with these Orders. In the alternative, Respondent, along with its prospective buyer, may provide such notice to Ohio EPA in advance of any conveyance of any interest in real property which is known to comprise the Facility and request modification of these Orders pursuant to Section X, in order to transfer Respondent’s obligations under these Orders to the prospective buyer.

VII. TERMINATION

Respondent’s obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that the Respondent has performed all of its obligations under these Orders and Ohio EPA’s Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders relative to the Respondent. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.
The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent. The termination of these Orders shall not affect the terms and conditions of Section VIII, Other Claims, Section XV, Reservation of Rights, Section XVI, Indemnity, and Section XIX, Waiver and Agreement.

VIII. 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.

IX. 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.

X. 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.

XI. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be delivered to Central District Office at either of the following addresses:

For mailings, use the post office box number:

Ohio Environmental Protection Agency
Central District Office
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Steve Rath, Manager

For deliveries to the building:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street
Columbus, Ohio 43215
Attn: Steve Rath, Manager

and Ohio EPA Central Office at the following addresses:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Engineering and Remediation Assistance Section

For deliveries to the building:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street
Columbus, Ohio 43215
Attn: Manager, Engineering and Remediation Assistance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.
All correspondence to the Respondent shall be directed to the following address:

Owens Corning Science & Technology Center  
Attn: Environmental Leader  
2790 Columbus Road, Route 16  
Granville, Ohio 43023-1200

Any report or other document submitted by Respondent pursuant to these Orders, which make any representation concerning such Respondent's compliance or noncompliance with any requirement of these Orders, shall be signed and certified by a responsible official of the Respondent in accordance with OAC rule 3745-50-58(K). For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent, or a duly authorized representative.

XII. ACCESS

1. Ohio EPA shall have access at all times to the Facility and any other property to which access is required for the implementation of these Orders, to the extent access to the property is controlled by Respondent. Access under these Orders shall be for the purposes of conducting any activity related to these Orders including, but not limited to, the following:

   a. Performing the Work;
   b. Monitoring the Work;
   a. Inspecting and copying records, and/or other documents related to the implementation of these Orders;
   d. Conducting sampling, investigations and/or tests related to the implementation of these Orders; and
   e. Verifying any data and/or other information submitted to Ohio EPA.

2. To the extent that the Facility or any other property to which access is required for the implementation of these Orders is owned or controlled by persons other than Respondent, Respondent shall use its best efforts to secure from such persons access for Respondent and Ohio EPA as necessary to effectuate these Orders. If any access required to effectuate these Orders is not obtained within 30 days of the date Ohio EPA notifies Respondent in writing that additional access beyond that
previously secured is necessary, Respondent shall promptly notify Ohio EPA in writing of the steps Respondent has taken to attempt to obtain access. Ohio EPA may, as it deems appropriate, assist Respondent in obtaining access. Notwithstanding any provision of these Orders, the State of Ohio retains all of its access rights and authorities, including enforcement authorities related thereto, under any applicable statute or regulations.

XIII. DISPUTE RESOLUTION

1. The parties shall, whenever possible, operate by consensus. In the event that a disagreement exists about the adequacy or disapproval of any Additional Work, Work Plan, deliverable or any report, or disagreement about the conduct of the Work performed under Section VI of this Order, Ohio EPA and Respondent shall have ten (10) business days from the date the dispute arises to negotiate in good faith an attempt to resolve the differences. The dispute arises when either Ohio EPA provides a brief written notice of dispute to Respondent, or vice-versa. This ten working day period may be extended by mutual agreement of the parties. Written notice shall be provided in accordance with Section XI of this Order.

2. In the event Ohio EPA and Respondent are unable to reach consensus on the dispute, then Ohio EPA and Respondent shall reduce their positions to writing within fifteen (15) business days of the end of the good faith negotiations referenced in the preceding paragraph. Those written positions shall be immediately exchanged by Ohio EPA and Respondent. The positions of the parties shall be provided in accordance with Section XI of this Order. Following the exchange of written positions, the parties shall have an additional fifteen (15) business days to resolve their dispute. If Ohio EPA concurs with the position of Respondent, then the report or other deliverable shall be modified consistent with Respondent’s position as agreed to by Ohio EPA.
3. If Ohio EPA does not concur with the position of Respondent, Ohio EPA shall notify Respondent in writing and provide such notice in accordance with Section XI of this Order. Upon receipt of such written notice, Respondent shall have seven (7) business days to forward a request for resolution of the dispute, along with a written statement of the dispute, in accordance with Section XI of this Order. The statement of dispute shall be limited to a concise presentation of Respondent's position on the dispute. The Ohio EPA, within seven (7) business days of receiving notice of the request for resolution of the dispute, may submit a written statement of the dispute. The Section Manager will resolve the dispute based upon and consistent with this Order, and State law including ORC Chapter 3734, and the regulations promulgated thereunder, and other appropriate state and federal laws, and issue his/her written decision stating Ohio EPA's formal position as soon as practicable but in no event later than within thirty (30) days of Respondent's request for dispute resolution under this paragraph. This is intended as an informal process, and the Section Manager may request additional information from either party to the extent he/she believes such information may aid in understanding and resolving issues in the dispute.

4. The pendency of dispute resolution set forth in this Section shall not affect the time period for completion of Work, unless otherwise provided, except that upon written mutual agreement of the parties, any time may be extended as appropriate under the circumstances.

5. If Respondent does not agree with the Section Manager's resolution of the dispute either party may within fourteen (14) business days of receipt of notice of the Section Manager's resolution forward a request for resolution of the dispute, along with a written statement of the dispute, to the Chief of Ohio EPA's Division of Hazardous Waste Management. The Chief, or his/her designee, will resolve the dispute based upon and consistent with this Order, and State law including ORC Chapters 3734 and 6111, and the regulations promulgated thereunder, and other appropriate state and federal laws, and issue his/her written decision stating Ohio EPA's formal position as soon as practicable but in no event later than within thirty (30) days of Respondent's request for dispute resolution under this paragraph. This is intended as an informal process, and the Chief or his/her designee may request additional information from either party to the extent he/she believes such information may aid in understanding and resolving issues in the dispute.

6. Within thirty (30) days of resolution of any dispute, Respondent shall incorporate the resolution and final determination in the document/plan or other deliverable schedule or procedures and proceed to implement this Order accordingly.
7. Unless expressly provided for in this Order, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under this Order. However, the procedures set forth in this Section shall not apply to actions by the State of Ohio to enforce obligations of Respondent that have not been disputed in accordance with this Section.

XIV. RESOLUTION OF INCONSISTENCIES

1. Should Respondent identify any inconsistencies among any of the laws, rules, regulations, guidance, permits or orders which will affect any of the Work required by this Order, Respondent shall provide written identification to the Ohio EPA of each such inconsistency, a description of its effect on the Work to be performed, and Respondent’s recommendation, along with the rationale for each recommendation, as to which requirement should be followed. Respondent shall implement the affected Work based upon Ohio EPA’s discretion in resolving any such inconsistencies.

2. Respondent’s compliance with the orders or directions of State or Federal governmental officials in the exercise of such officials’ legal authority shall not be deemed a violation of this Consent Order.

XV. RESERVATION OF RIGHTS

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

XVI. INDEMNITY

Respondent shall indemnify, save, and hold harmless Ohio EPA from any and all claims or causes of action arising from, or related to, events or conditions at the Facility for which Respondent is liable. Ohio EPA shall provide notice to Respondent within thirty (30) days of receipt of any claim which may be the subject of indemnity as provided in this Section, and will cooperate with Respondent in the defense of any such claim or action against Ohio EPA. Ohio EPA shall not be considered a party to and shall not be held liable under any contract entered into by Respondent in carrying out the activities pursuant to these Orders. Consistent with federal, state and common law, nothing in these Orders shall render Respondent liable to indemnify Ohio EPA for any tortuous conduct of Ohio EPA occurring outside of Ohio EPA’s exercise of its discretionary functions. Discretionary
functions of Ohio EPA include, but are not limited to, Ohio EPA’s review, approval or disapproval of Work performed pursuant to these Orders.

XVII. UNAVOIDABLE DELAY

Respondent shall cause all Work to be performed in accordance with applicable schedules and time frames unless any such performance is prevented or delayed by an event which constitutes an unavoidable delay. For purposes of these Orders, an unavoidable delay shall mean an event beyond the control of Respondent which prevents or delays performance of any obligation required by these Orders and which could not be overcome by due diligence on the part of Respondent. Increased cost of compliance shall not be considered an event beyond the control of Respondent.

Respondent shall notify Ohio EPA in writing within five (5) business days after the occurrence of an event which Respondent contends is an unavoidable delay. Such written notification shall describe the anticipated length of the delay, the cause or causes of the delay, the measures taken and to be taken by Respondent to minimize the delay, and the timetable under which these measures will be implemented. Respondent shall have the burden of demonstrating that the event constitutes an unavoidable delay.

If Ohio EPA does not agree that the delay has been caused by an unavoidable delay, Ohio EPA will notify Respondent in writing. Ohio EPA reserves the right to terminate these Orders, perform any additional remediation and/or enforce the terms of these Orders in the event that Ohio EPA determines that the delay has not been caused by an unavoidable delay. If Ohio EPA agrees that the delay is attributable to an unavoidable delay, Ohio EPA will notify Respondent in writing of the length of the extension for the performance of the obligations affected by the unavoidable delay.

XVIII. EFFECTIVE DATE

The effective date of these Orders shall be the date on which the Orders are entered in the Journal of the Director of Ohio EPA.

XIX. WAIVER AND AGREEMENT

In order to resolve disputed claims, without admission of fact, violation, or liability, Respondent agrees that these Orders are lawful and reasonable, and agrees to perform all actions in accordance with or as required by these Orders. Respondent consents to and agrees not to contest Ohio EPA’s jurisdiction to issue and enforce these Orders.
Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and hereby waives any and all rights that it may have to seek administrative or judicial review of the issuance, terms and conditions, and service of these Orders in law or equity.

Notwithstanding the limitations herein on Respondent’s right to appeal or seek administrative or judicial review, Ohio EPA and Respondent agree that in the event that these Orders are appealed by any other third party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XX. 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

[Signature]
Chris Korchinski
Director

October 12, 2010
Date

IT IS SO AGREED:

Owens Corning Science and Technology, LLC

[Signature]
John Hildenbrand
Printed or Typed Name

Chief Innovation Officer
Title

September 2, 2010
Date