June 8, 2017

Mr. Timothy Richards
PPG Industries, Inc.
2823 Ellsworth Bailey Road
Lordstown, OH 44481

Re: PPG Industries Ohio Inc.
Director's Final Findings and Orders (DFFO)
DFFO
RCRA C - Hazardous Waste
Trumbull County
OHD981958150

Subject: Final Findings and Orders of the Director

Dear Sir:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for PPG Industries, Inc.

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3037.

Sincerely,

Tonya Andrews, Administrative Professional 3
Division of Environmental Response & Revitalization

Enclosure

cc: Melissa Storch, DERR, CDO
Mitch Mathews, DERR, CO
Erik Hagen, DERR, CO
Andrea Smoktonowicz, Legal
BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

PPG Industries, Inc.
2823 Ellsworth Bailey Road
Lordstown, Ohio 44481

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.

PREAMBLE

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

By: Date: 6-8-17

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) §§ 3734.02(G), 3734.13, and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon the 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 the Respondent's obligations under these Orders.

III. DEFINITIONS

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

IV. FINDINGS OF FACT

The Director of Ohio EPA ("Director") has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and Ohio Administrative Code (OAC) rule 3745-50-31, the Director, by order, may exempt any person generating, storing, treating, disposing of, or transporting hazardous waste, in such quantities or
under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or comply with other requirements or ORC Chapter 3734. Such an exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6921 et seq., as amended.

2. Respondent is the owner and operator of the facility located at 2823 Ellsworth Bailey Road, Lordstown, Ohio 44481 (Facility). Respondent notified of its hazardous waste activities and was assigned U.S. EPA identification number OHD981958150. At the Facility, Respondent accumulates hazardous waste in various containers including pails, drums, and totes.

3. On April 16, 2015, Ohio EPA conducted a compliance evaluation inspection at the Facility. During the inspection, Ohio EPA discovered Respondent had, inter alia, violated Ohio’s hazardous waste laws, specifically, OAC rule 3745-66-76, when Respondent moved its ignitable hazardous waste accumulation area from the former accumulation area to a new location on the property approximately 15 feet from the Facility’s property line. OAC rule 3745-66-76 requires that containers holding ignitable hazardous waste or reactive hazardous waste shall be located at least 15 meters, i.e., 50 feet, from a facility’s property line. The accumulation area in question is a less than 90-day hazardous waste storage area referred to as the Outdoor Hazardous Waste Accumulation Area. The Outdoor Hazardous Waste Accumulation Area is located outside of the operations building near the Facility’s property line along the southeast part of the property. The Outdoor Hazardous Waste Accumulation Area is located 15 feet from the property line shared by Respondent and General Motors Lordstown. During the inspection, Ohio EPA explained to the Respondent the possibility of requesting an exemption from this requirement in order to lawfully use this area.

4. By letter dated May 11, 2015, Respondent was notified of the violations discovered during the inspection referenced in Finding No. 3. of these Orders. This letter explained that to resolve the violation of OAC rule 3745-66-76, Respondent could either move the hazardous waste accumulation area at least 50 feet from the Facility’s property line, or request an exemption by the Director from OAC rule 3745-66-76 to keep the present location as the hazardous waste accumulation area.

5. On July 8, 2015, Respondent resolved all violations referenced in Finding No. 3. of these Orders, including the violation of OAC rule 3745-66-76 which requires that containers holding ignitable hazardous waste or reactive hazardous waste shall be located at least 15 meters, i.e., 50 feet, from a facility’s property line, by
submitting to Ohio EPA photos that Respondent demonstrated that the hazardous waste drums had been moved to the former accumulation area which is 50 feet from the property line.

6. On August 30, 2016, Ohio EPA received a letter from the Respondent requesting an exemption from the requirement in OAC rule 3745-66-76 to locate containers holding ignitable hazardous waste at least 50 feet from the Facility's property line. The exemption request included information justifying the exemption, including photos and a map of the area. According to the exemption request submitted by Respondent:

"PPG feels that the accumulation of ignitable and reactive hazardous wastes less than fifty feet from the property boundary is unlikely to adversely affect public health or safety or the environment. PPG has requested and received an evaluation from the Lordstown Fire Chief. This evaluation was completed in July of 2015 and concluded that a variance should be granted for this storage."

The accumulation area is shown on the map which accompanied the exemption request and is included as Exhibit 1 of these Orders. Exhibit 2 of these Orders is the Lordstown Fire Department evaluation of the property.

7. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director has determined that Respondent’s accumulation of ignitable hazardous waste less than 50 feet from the Facility’s property line is unlikely to adversely affect public health or safety or the environment.

V. ORDERS

1. Respondent is hereby exempted from the requirement to accumulate ignitable hazardous waste at least 50 feet from the Facility’s property line, as required by OAC rule 3745-66-76, provided that the ignitable hazardous waste is managed in accordance with all other applicable hazardous waste laws and Ohio Fire Code and National Fire Protection Association requirements and standards.

2. The Director may revoke the exemption granted in Order No. 1. of these Orders for any reason, including but not limited to, a determination that Respondent’s activities at the Facility adversely affect public health or safety or the environment, and/or activities are not being conducted in accordance with these Orders.
3. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when one of the following events occurs:
   a. Respondent ceases to accumulate ignitable hazardous waste at the Facility;
   b. Any change in ownership of the Facility or adjacent property;
   c. The Lordstown's Fire Chief determines the location of this hazardous waste accumulation area is no longer suitable;
   d. Any change in use of the adjacent property, such as a building is erected on the adjacent property; or
   e. The Director revokes the exemption granted to Respondent under these Orders.

4. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein.

5. These Orders do not exempt Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.

VI. 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.

VII. 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.
VIII. RESERVATION OF RIGHTS

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

IX. WAIVER

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 and 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.

X. EFFECTIVE DATE

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

XI. 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]

Craig W. Butler
Director
IT IS SO AGREED:

PPG Industries Inc

Timothy Richards
Printed or Typed Name

EHS Specialist
Title

5/23/17
Date
Exhibit 1
Exhibit 2
July 10th, 2015

This letter is in regards to the PPG Processing plant located at 2823 Ellsworth Bailey Rd, Lordstown, Ohio, 44481. It was brought to my attention that they are storing flammable waste within 50' of the property line. Once an evaluation was done, I saw no hazards in this situation due to the fact that there is no other property owns structures near this storage area. At this time, I feel that a variance should be granted for these reasons. If you have any questions regarding this matter, feel free to contact me.

Travis Eastham
Lordstown Fire Chief