



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

June 24, 2015

Owens Corning Insulating  
Systems, LLC  
400 Case Avenue  
Newark, Ohio 43055

**Re: Ownes Corning Insulating Systems, LLC  
DFFO  
Approval  
RCRA C - Hazardous Waste  
Licking County  
OHD 004 495 495**

**Subject:** Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Owens Corning Insulating Systems, LLC.

Enclosed are invoices for the total penalty amount of \$9,800.00 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

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

Sincerely,

Demitria Crumiell-Hagens, Administrative Professional II  
Division of Materials & Waste Management

Enclosure

cc: Kelly Smith, DMWM, CO  
Kelly Jeter, DMWM, CO  
Elissa Miller, Legal  
Andy Maneff, DMWM, CDO  
Melissa Storch, DMWM, CDO

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**Owens Corning Insulating Systems, LLC  
400 Case Avenue  
Newark, Ohio 43055**

**Respondent**

**Director's Final  
Findings and Orders**

REGISTERED DIRECTOR'S JOURNAL

JUN 24 2015

OHIO E.P.A.

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Owens Corning Insulating Systems, LLC (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 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**

The Director of Ohio EPA has determined the following findings:

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

2. Respondent owns and operates a fiberglass manufacturing business located at 400 Case Avenue, Newark, Licking County, Ohio (Facility).
3. 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 generates greater than 2200 pounds of hazardous waste in a calendar month and is therefore operating as a Large Quantity Generator of hazardous waste as set forth in OAC rule 3745-52-34. Respondent has been issued EPA ID number OHD004495495. Hazardous waste generated by Respondent at the Facility includes refractory brick and slag (D007 – chromium), baghouse dust (D007, D010 – selenium), and waste paint and solvent (D001 – ignitable, D035 – methyl ethyl ketone, F003 – listed solvent, and F005 – listed solvent) as described by OAC rules 3745-51-21, 3745-51-24 and 3745-51-31. Respondent is also an episodic generator of other hazardous wastes. In addition, Respondent manages used oil and universal waste fluorescent lamps.
4. During an inspection on March 24, 2004, Ohio EPA observed hazardous waste refractory brick and slag stored directly on the floor of a covered, open-sided storage shed at the Facility. In a letter dated May 28, 2004, Respondent provided photographs showing the hazardous waste refractory brick and slag observed on the floor of the storage shed during Ohio EPA's March 24, 2004 inspection had been removed and Respondent had ceased placing the waste directly on the floor.
5. On December 13, and December 19, 2013, Ohio EPA conducted a compliance evaluation inspection at the Facility. During the inspection, Ohio EPA observed approximately twenty containers of waste stored on the floor in the covered open-sided storage shed, that had not been adequately evaluated, including but not limited to:
  - a. Three 55-gallon drums of spinner glass,
  - b. Four 55-gallon drums of refractory waste,
  - c. One, 1-cubic yard sack of baghouse dust dated August 29, 2013, and
  - d. Twelve, 1-cubic yard sacks of refractory brick and slag, one of which was dated August 3, 2013.
6. Additionally during the inspection, Ohio EPA found the following containers stored in the hazardous waste building or the drum yard area at the Facility:
  - a. One 55-gallon drum labeled "waste asphalt vapor oil,"
  - b. One 55-gallon drum that was not marked,
  - c. One 55-gallon drum marked "ST-70,"

- d. One 55-gallon drum marked "Stabrex ST-10,"
  - e. One 55-gallon drum marked "Trasar 53501," and
  - f. Four 5-gallon fiber containers that were not marked.
7. As a result of the December 13, and December 19, 2013 inspection, Ohio EPA determined Respondent, *inter alia*:
  - a. Failed to adequately evaluate wastes described in Findings Nos. 5. and 6. of these Orders, to determine if the wastes were hazardous wastes, in violation of OAC rule 3745-52-11;
  - b. Stored hazardous waste spinner glass in three 55-gallon drums that were dented and did not have lids, thereby failing to store hazardous waste in containers that were in good condition, in violation of OAC rule 3745-66-71;
  - c. Failed to mark five containers of used oil with the words "used oil," in violation of OAC rule 3745-279-22(C); and,
  - d. Failed to label a container of universal waste lamps, in violation of OAC rule 3745-273-14(E).
8. By electronic mail on January 10, 2014, Respondent submitted analytical results for the refractory brick and slag and spinner glass which indicated these wastes were hazardous wastes due to the toxicity characteristic for chromium (D007).
9. By letter dated February 21, 2014, Ohio EPA notified Respondent of the violations referenced in Finding No. 7. of these Orders.
10. By letter dated March 19, 2014, Respondent responded to the February 21, 2014 letter from Ohio EPA. Respondent indicated the following wastes were hazardous wastes: asphalt vapor oil (D001), baghouse dust, and paint waste (D001) found in the unmarked 55 gallon drum. Respondent's letter also indicated that the ST-70, Stabrex ST-10 and Trasar 53501 were corrosive (D002) hazardous wastes. Respondent's documentation further demonstrated that it had taken action to correctly label its containers.
11. By letter dated July 23, 2014, Ohio EPA notified Respondent that as a result of the waste evaluation determinations referenced in Findings Nos. 8. and 10. of these Orders, Respondent had operated a hazardous waste storage facility without a hazardous waste installation and operation permit in violation of ORC § 3734.02(E) and (F). Respondent stored one, 1-cubic yard sack of the hazardous waste baghouse dust (D007) for at least 38 days past the 90-day time limit, and

stored twelve, 1-cubic yard sacks (3,500 lbs.) of hazardous waste refractory brick and slag (D007) 133 days past the 90-day time limit allowed for large quantity generators of hazardous waste. The sacks were stored in a covered, open-sided storage shed at the Facility. The sacks were in good condition and no releases were observed in the container accumulation area of the storage shed where the sacks were located. Ohio EPA also informed Respondent that the violations referenced in Finding No. 7. of these Orders had been abated.

12. By letter dated August 11, 2014, Respondent provided information in response to the July 23, 2014 letter from Ohio EPA. Respondent included two hazardous waste manifests showing that the hazardous waste baghouse dust and hazardous waste refractory brick and slag referenced in Finding No. 11. were properly transported offsite to an authorized facility on January 14 and March 14, 2014, respectively. Additionally Respondent implemented a procedure for ensuring that any spills of baghouse dust were promptly addressed.
13. The Director has determined no further action is required at this time to abate the violations of ORC §3734.02(E) and (F) referenced in Finding No. 11. of these Orders because the sacks of hazardous waste baghouse dust and hazardous waste refractory brick and slag observed by Ohio EPA during the December 2013 inspection were in good condition and no releases were observed.
14. Also, the Director finds that closure of the storage shed in accordance with OAC rule 3745-55-10 through 3745-55-20 will not be required at this time because Respondent removed the hazardous waste refractory brick and slag that was observed on the floor after Ohio EPA's 2004 inspection. Further, Respondent continues to use this area to accumulate sacks of hazardous waste refractory brick and slag and therefore, closure will be required when Respondent ceases using this unit to manage hazardous waste.

## **V. ORDERS**

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

1. Respondents shall pay to Ohio EPA the amount of \$9,800.00 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 the amount of \$7,840.00 of the total amount 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 \$7,840.00. 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 and the Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.
- b. In lieu of paying the remaining \$1,960.00 of civil penalty identified in Order No. 1.a. above, Respondent shall fund a Supplemental Environmental Project (SEP) by making a contribution in the amount of \$1,960.00 to the Ohio EPA Clean Diesel School Bus Program. 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 \$1,960.00. 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 and the Facility. A copy of this check shall be sent to Ohio EPA Division of Materials and Waste Management, Supervisor, Administrative Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 and to Ohio EPA, Division of Air Pollution Control, Manager, Compliance and Enforcement Section, 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 \$1,960.00 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:

Ohio Environmental Protection Agency  
Central District Office  
Division of Materials and Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center

Division of Materials and Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
50 West Town Street  
Columbus, Ohio 43215

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

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure of the unpermitted hazardous waste storage shed and corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure and corrective action. Ohio EPA and Respondent each reserve all other 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. Except for the right to seek closure of the unpermitted hazardous waste storage shed and corrective action at the Facility, which rights Ohio EPA does not waive, 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**

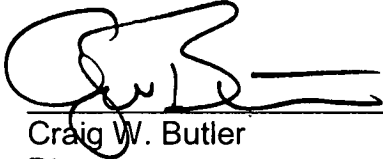
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**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**



Craig W. Butler  
Director

**IT IS SO AGREED:**

**Owens Corning Insulating Systems, LLC**



Signature

6/4/2015  
Date

Dennis Rogers  
Printed or Typed Name

Plant Leader  
Title