

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

PPG Industries Ohio, Inc.
559 Pittsburgh Road
Circleville, Ohio 43113

PPG Industries Ohio, Inc.
760 Pittsburgh Drive
Delaware, Ohio 43015

**Director's Final
Findings and Orders**

Respondent

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 Ohio, 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 Respondent 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(P).
2. Respondent operates a resin manufacturing plant and an Energy Recovery Unit

("ERU") located at 559 Pittsburgh Road, Circleville, Ohio (Circleville Facility). At this location, Respondent was issued a hazardous waste facility installation and operation renewal permit (Permit) for storage and treatment of hazardous waste at the Circleville Facility. Respondent is permitted to store hazardous waste in containers and tanks and operate a hazardous waste rotary kiln incinerator. The Circleville Facility has been assigned U.S. EPA identification number OHD004304689.

3. Respondent operates a paint and resin manufacturing plant located at 760 Pittsburgh Drive, Delaware, Ohio (Delaware Facility). The Delaware Facility has been assigned U.S. EPA identification number OHD004347308. The Circleville Facility and the Delaware Facility will be collectively known as the "Facilities."
4. Respondent generates "hazardous waste" as that term is defined by ORC §3734.01 and OAC rules 3745-50-10(H)(2) and 3745-51-03. Respondent generates non-acute hazardous waste in amounts greater than 1,000 kilograms per calendar month and therefore is operating as a "Large Quantity Generator" (LQG) of hazardous waste, as defined in OAC rule 3745-50-10(L)(5), subject to the requirements in OAC Chapter 3745-52 at both the Facilities.
5. At the resin manufacturing plant at the Circleville Facility, Respondent generates numerous characteristic and listed hazardous wastes, including but not limited to: hazardous waste peroxide which exhibits the characteristic of ignitability (D001), hazardous waste resin solution (D001) and exhibits the characteristic of toxicity due to chromium (D007), lead (D008) and methyl ethyl ketone (D035) and is listed hazardous waste, (F003 and F005); organic resin waste (D001, D035, F003, F005), hazardous waste amines (D001) and exhibits the characteristic of corrosivity (D002) as defined in OAC rules 3745-51-21, 3745-51-22, 3745-51-24, 3745-51-31 and 3745-51-33.
6. At the Delaware Facility, Respondent generates numerous characteristic and listed hazardous wastes, including but not limited to: waste resin organics which exhibit characteristics of ignitability (D001) and toxicity due to barium (D005) and methyl ethyl ketone, (D035); hazardous waste monomers (D001), and are a listed hazardous waste, methyl methacrylate (U162); hazardous waste amines which exhibit the characteristic of corrosivity (D002); hazardous waste filter trash which exhibit the characteristic for toxicity due to cadmium (D006) chromium (D007) lead (D008) and methyl ethyl ketone (D035); hazardous waste dust (D007 and D008); and hazardous waste resin retains samples (D001 and D035) as defined in OAC rules 3745-51-21, 3745-51-22, 3745-51-24, 3745-51-31 and 3745-51-33.
7. On October 30, 2023, and November 1, 2023, Ohio EPA conducted a compliance

evaluation inspection at the Circleville Facility. As a result of this inspection, Ohio EPA determined Respondent, *inter alia*:

- a. Established and operated the Circleville Facility as a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically, Respondent stored approximately 75 containers of various hazardous waste for greater than 90 days in the main outdoor less than 90-day central accumulation area south of the raw materials warehouse and in the less than 90-day central accumulation area south of the RCRA Waste Storage building. One container of hazardous waste peroxide had been stored for 711 days. Many containers had been accumulated between 92 and 496 days and approximately 40 containers were identified as pending analysis for several hundred days.
- b. Failed to evaluate three 550-gallon totes and two overpack containers containing unknown waste to determine if they were hazardous waste, in violation of OAC rule 3745-52-11.
- c. Failed to close a 55-gallon satellite drum of flammable hazardous waste in Building 15, in violation of OAC rule 3745-52-15(A)(4). The drum was closed during the second day of the inspection.
- d. Failed to mark at least 30, 55-gallon containers of hazardous waste in the main outdoor less than 90-day central accumulation area with the words "Hazardous Waste," in violation of OAC rule 3745-52-17(A)(5)(a)(i).
- e. Failed to mark at least 70, 55-gallon containers of hazardous waste in the main outdoor less than 90-day central accumulation area south of the raw materials warehouse with accumulation start dates, in violation of OAC rule 3745-52-17(A)(5)(a)(iii). On the second day of the inspection, 20 containers were marked with an accumulation start date of September 15, 2023.
- f. Failed to maintain and operate the Circleville Facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste, in violation of OAC rule 3745-52-251. Specifically, Respondent spilled flammable hazardous waste resin on the floor in Building 15. Respondent was aware of the spill but did not clean it up. On the second day of the inspection, Ohio EPA observed the hazardous waste resin spill was cleaned up and containerized.
- g. Failed to maintain adequate aisle space between hazardous waste

containers in the main outdoor less than 90-day central accumulation area south of the raw materials warehouse, in violation of OAC rule 3745-52-255. Containers were stored closely together in the last row of the storage area which would obstruct movement of emergency equipment, if needed, to those containers.

- h. Failed to amend the contingency plan with the emergency coordinator's information, in violation of OAC rule 3745-52-263(D).
8. On January 19, 2024, Respondent provided information which demonstrated the three totes described in Finding No. 7.b. of these Orders were determined to be holding hazardous waste due to ignitability (D001) and toxicity due to chromium (D007), lead (D008) and methyl ethyl ketone (D035). Respondent did not know how long the hazardous waste had been stored as they originally believed the totes to be empty. With this information, the violation referenced in Finding No. 7.b. of these Orders was resolved.
9. Between the dates of November 3, 2023, and January 19, 2024, Respondent provided multiple responses to Ohio EPA. Information in Respondent's responses included an updated contingency plan that was submitted as a Class 1 modification, photos of properly labeled containers, waste determinations, a photo documenting proper aisle space in the main outdoor less than 90-day central accumulation area, and manifests demonstrating all hazardous waste referenced in Finding No. 7.a. of these Orders had been transported to authorized facilities.
10. By letters dated January 5, 2024, and February 2, 2024, Ohio EPA notified Respondent of the violations referenced in Findings No. 7. of these Orders and based upon the information referenced in Findings Nos. 7.e., 7.g., and 8. of these Orders, that the violations referenced in Findings Nos. 7.b., 7.c., 7.d., 7.e., 7.f., 7.g., and 7.h. of these Orders have been resolved.
11. On January 31, 2024, Ohio EPA conducted a compliance evaluation inspection at the Delaware Facility. As a result of this inspection, Ohio EPA determined Respondent, *inter alia*:
 - a. Established and operated the Delaware Facility as a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A). Specifically, Respondent stored one 55-gallon container of hazardous waste resin organics and one 55-gallon container of hazardous waste monomers for greater than 90 days. The containers were stored for 171 and 155 days in the satellite accumulation area of Bay H and resin plant

less than 90-day central accumulation area, respectively.

- b. Failed to label two satellite containers of hazardous waste with the words "Hazardous Waste," in violation of OAC rule 3745-52-15(A)(5)(a).
 - c. Failed to label at least six satellite containers with an indication of the hazards of the contents, in violation of OAC rule 3745-52-15(A)(5)(b). Hazardous waste in these containers included hazardous waste filter trash, hazardous waste resin, and hazardous waste amines.
 - d. Failed to remove the excess hazardous waste from the satellite accumulation area within three calendar days, in violation of OAC rule 3745-52-15(A)(6)(b). Specifically, Respondent stored a total of seven 55-gallon containers which had exceeded three calendar days, one container had been stored for 171 days.
 - e. Failed to label one container of hazardous waste dust and one pallet of retains samples in the less than 90-day central accumulation areas with the words "Hazardous Waste," in violation of OAC rule 3745-52-15(A)(5)(a).
 - f. Failed to mark several containers of hazardous waste in the large paint plant and the SSD baghouse less than 90-day central accumulation areas with an indication of the hazards of the contents, in violation of OAC rule 3745-52-17(A)(5)(a)(ii).
 - g. Failed to mark six containers and a pallet of hazardous waste with accumulation start dates, in violation of OAC rule 3745-52-17(A)(5)(a)(iii). The hazardous waste containers were located in the top reactor area, large paint plant less than 90-day central accumulation area, and SSD baghouse less than 90-day central accumulation area.
 - h. Failed to document hazardous waste tank inspections for four days, in violation of OAC rule 3745-66-95(G). Respondent did not document inspections for January 9, 10, 16, or 17, 2024. Documentation resumed on January 18, 2024.
12. On February 9, 2024, Respondent submitted a document to Ohio EPA in response to the January 31, 2024, inspection. The response included manifests demonstrating the hazardous waste resin organics container and hazardous waste monomers container referenced in Finding No. 11.a of these Orders were transported to authorized facilities on February 5, 2024, and February 6, 2024, respectively. Respondent also explained the efforts taken to remedy and prevent recurrence of violations which included replacing hazardous waste labels with

labels that include an indication of hazards and completing floor walks with employees to reinforce hazardous waste training that was conducted on January 29, 2024, and February 2, 2024.

13. On April 2, 2024, Respondent had a call with Ohio EPA to discuss actions taken to resolve violations. Respondent explained a new process in the top reactor area that requires full satellite containers to be moved to a central accumulation area by the end of the shift and communicated to Ohio EPA the containers in satellite accumulation areas described in Finding No. 11.d. of these Orders were moved to central accumulation areas. On April 3, 2024, Respondent submitted photos to demonstrate containers were properly labeled in the large paint plant and the SSD baghouse less than 90-day central accumulation areas and to confirm Bay H and Bay 5 satellite accumulation areas were not accumulating hazardous waste in excess of 55-gallons.
14. By letter dated April 16, 2024, Ohio EPA notified Respondent of the violations referenced in Finding No. 11. of these Orders and based upon the information referenced in Findings Nos. 11.h., 12., and 13. of these Orders, that the violations referenced in Findings Nos. 11.b, 11.c, 11.d., 11.e., 11.f., 11.g. and 11.h of these Orders have been resolved.
15. On August 21, 2024, Respondent notified Ohio EPA of noncompliance at the Circleville Facility's hazardous waste permitted Energy Recovery Unit (ERU). Respondent discovered 127 partially emptied 55-gallon containers of hazardous waste stored for greater than a year. The contents of the containers were pumped into the feed tank and processed at the ERU. The containers, which did not meet the definition of empty per OAC rule 3745-51-07 (commonly referred to as RCRA empty), could not be incinerated at the ERU due to operational issues which began in April 2024. Respondent subsequently submitted a written noncompliance notification letter to Ohio EPA on August 30, 2024. Based on this information, the Director has determined Respondent violated the prohibition on storage of restricted wastes beyond the one-year period defined in the Permit and in OAC rule 3745-270-50(C) and established and operated the Circleville Facility ERU as a hazardous waste storage facility without a hazardous waste installation and operation permit, in violation of ORC § 3734.02(E) and (F) and OAC rules 3745-50-41(A) and 3745-50-45(A).
16. On August 27, 2024, the hazardous waste containers referenced in Finding No. 15. of these Orders were transported to an authorized facility for disposal. Based upon this information, the Director has determined that the violation of the one-year period defined in the Permit and OAC rule 3745-270-50(C) has been resolved.

17. Because there was no evidence of releases of hazardous waste observed where the hazardous wastes were unlawfully stored and Respondent continues to store/accumulate hazardous waste in these areas, the Director has determined that closure pursuant to OAC rules 3745-55-11 through 3745-55-20 of the areas described in Finding Nos. 7.a. and 11.a. of these Orders is not required. However, pursuant to OAC rule 3745-52-17(A)(8), as a large quantity generator Respondent will be required to meet the clean-up standards where hazardous waste has been accumulated to satisfy closure obligations, such as when use of an accumulation area ceases. Furthermore, the area described in Finding No. 15. of these Orders is required to undergo closure when hazardous waste operations cease in accordance with Respondent's Permit so no further action is required at this time.

V. ORDERS

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

1. Within 45 days after the effective date of these Orders, Respondent shall provide a plan which documents actions to be taken by Respondent to prevent non-compliance of Ohio's hazardous waste program from occurring at the Circleville resin Facility.
2. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$117,560.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental protection remediation fund established pursuant to ORC § 3734.281. The official payment shall be submitted to Ohio EPA according to the instructions on the invoice. Notification of penalty payment shall be sent to the Hazardous Waste Program Compliance Assurance Manager, Ohio EPA, Division of Environmental Response and Revitalization, P.O. Box 1049, Columbus, Ohio 43216-1049 or via electronic mail at Mitchell.mathews@epa.ohio.gov.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Environmental Response and Revitalization acknowledges, in writing, the termination of these Orders. 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 Respondent. For purposes of these Orders, a responsible official is a [e.g., corporate officer] who is in charge of a principal business function of Respondent.

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 the 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 (except penalty payment checks) required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization

Director's Final Findings and Orders
PPG Industries Ohio, Inc.
Page 9 of 10

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

For deliveries to the building:

Manager, Hazardous Waste Compliance Assurance Section
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
50 West Town Street
Columbus, Ohio 43215

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

Or electronically to: Mitchell.Mathews@epa.ohio.gov

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform corrective action at the Facilities, 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 performing such 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 corrective action at the Facilities by Respondent, which right 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

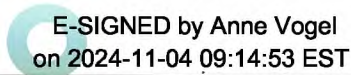
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

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

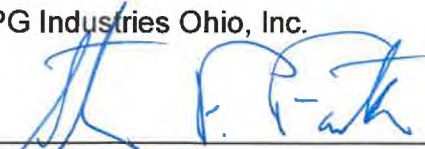


2024-11-04 09:14:53 UTC

Anne M. Vogel
Director

IT IS SO AGREED:

PPG Industries Ohio, Inc.



Signature

October 28, 2024

Date

Steven F. Faeth
Printed or Typed Name

Vice President Environmental Affairs & Assistant
General Counsel EHS & Sustainability

Title