

Wilden



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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

June 1, 2009

Mr. Joseph M. Karas, Assistant Counsel
Law Department
PPG Industries, Inc.
One PPG Place
Pittsburgh, Pennsylvania 15272

OHD 004 304 689 - CIRCLEVILLE

**RE: PPG Industries, Inc.
OHD 004 989 917 Barberton
OHD 004 304 689 Circleville
Notice of Violation**

Dear Mr. Karas:

On May 15, 2009, I completed a review of the financial assurance documentation file for the PPG Industries, Inc. (PPG) facilities referenced above. I evaluated your facilities for compliance with financial assurance requirements set forth in the Ohio Administrative Code (OAC) Rules 3745-55-42, 3745-55-43 and 3745-55-47. In addition, I evaluated the facilities for compliance with Ohio Hazardous Waste Part B Permit Conditions B.36 through B.39 (Circleville) and B.33 through B.35 (Barberton).

In the past to demonstrate compliance with financial assurance rules, PPG has used the financial test mechanism. On March 31, 2009, you notified Ohio EPA that PPG no longer met the financial test requirements for financial assurance and would establish an alternate financial assurance mechanism. To date, Ohio EPA received a faxed copy of a Hazardous Waste Facility Certificate of Liability Insurance for policy no. PLE 18256304 with an effective date of April 30, 2009.

Upon review of the financial assurance documentation, the following violations were found:

- **OAC 3745-55-42(B):** For owners and operators using the financial test, the closure cost estimate must be updated for within thirty days after the close of the owner or operator's fiscal year; This needed to be done by January 31, 2009;
- **OAC 3745-55-43(F)(6):** If the owner or operator no longer meets the requirements of OAC 3745-55-43(F)(1), the owner or operator must provide alternate financial

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director



assurance within one hundred and twenty days after the end of the owner or operator's fiscal year. This needed to be done by April 30, 2009;

- **OAC 3745-55-44(B)**: During the active life of the facility, owners or operators using the financial test must update the post-closure cost estimate for inflation within thirty days after the close of the owner or operator's fiscal year; This needed to be done by January 31, 2009.
- **OAC 3745-55-45(F)(6)**: If the owner or operator no longer meets the requirements of OAC 3745-55-45(F)(1), the owner or operator must provide alternate financial assurance within one hundred and twenty days after the end of their fiscal year. This needed to be done by April 30, 2009; and
- **OAC 3745-55-47**: If the owner or operator no longer meets the requirements of OAC 3745-55-47(F)(1), the owner or operator shall obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage. Evidence of liability coverage shall be submitted to the director within ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements. This needed to be done by March 31, 2009;

If you have any questions, or need further clarification of any matter mentioned in this letter, please do not hesitate to call me at (614) 644-3067.

Sincerely,



Isaac B. Wilder
Compliance Assurance Section
Division of Hazardous Waste Management

IW:js

cc: Kristina Durnell, RISS, DHWM
Fran Kovac, Legal
John Nyers, ERAS, DHWM
Cole Miller, ERAS, DHWM