



State of Ohio Environmental Protection Agency

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June 17, 2009

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

OHD 004 304 689-CIRCLEVILLE  
RTC of 6-1-2009 NOV

Re: **PPG Industries, Inc.**  
OHD004198917 Barberton  
OHD004304689 Circleville

Dear Mr. Karas:

On June 11, 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 could no longer meet the financial test requirements for financial assurance and would establish an alternate financial assurance mechanism. In a May 15, 2009 financial record review, I found the following violations:

- **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;
- **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 assurance within one hundred and twenty days after the end of the owner or operator's fiscal year;
- **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;
- **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; and

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



- **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.

On June 9, 2009, I received the following financial records:

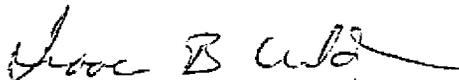
- Updated closure cost estimates for your Barberton and Circleville facilities;
- Letter of Credit No. 093192-793 for \$6,364,022.00 drawn on Intesa Sanpaolo S.p.A.;
- A standby trust agreement with The Bank of New York Mellon; and
- A Hazardous Waste Facility Certificate of Liability Insurance with American Specialty Lines Insurance Company with a \$4,000,000 limit per occurrence and an \$8,000,000 aggregate.

With these submittals PPG has returned to compliance for the violations cited in my June 1, 2009 Notice of Violation Letter.

Area of concern: The LOC cited 40 CFR 264.151(D) instead of OAC 3745-55-51(D) and the Hazardous Waste Certificate cites 40 CFR 264.147(F) and 40 CFR 265.147(F) instead of OAC 3745-55-47(F) and OAC 3745-66-47(F). The Hazardous Waste Certificate also cites 40 CFR 264.151(j) instead of OAC 3745-55-51(J). Please correct these in your next submittal.

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