



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

September 27, 2011

RTC of 5/19/11 NOV

Ms. Susan L. Smith  
Owens-Illinois, Inc. Plaza 3  
One Michael Owens Way  
Perrysburg, OH 43551

**RE: Universal Materials, Inc. – Mogadore, OH  
Financial Records Review: Return to Compliance  
OHD 980 792 600**

Dear Ms. Smith:

I received your response to my May 19, 2011 Notice of Violation (NOV) letter on June 16, 2011. The documentation you submitted included an updated closure cost estimate dated June 14, 2011 from Haley & Aldrich, Inc. The revised closure cost estimate to complete the Closure Plan is \$329,000.00.

On July 11, 2011, I conducted a financial record review of documentation on file for the Universal Materials, Inc. (Universal), Mogadore, OH facility. I evaluated the facility for compliance with the closure financial assurance, closure cost estimates, and liability requirements as set forth in Ohio Administrative Code (OAC) rules 3745-55-42, 3745-55-43 and 3745-55-47 in accordance with the Director's Final Findings and Orders entered into between Ohio EPA, Universal, and Owens-Illinois, Inc. (O-I) on November 17, 2008.

To demonstrate financial assurance for closure care, an Irrevocable Standby Letter of Credit (LOC) and a Standby Trust Agreement are used. The LOC, number DBS-18165, was issued by Deutsche Bank AG effective February 12, 2009. The current amount of the LOC is \$408,000.00. A standby trust agreement was entered into February 5, 2009 by and between Owens-Brockway Glass Container, Inc. on behalf of Owens-Illinois, Inc. and its former subsidiary Universal, the "Grantor," and Deutsche Bank AG, a national bank, the "Trustee."

To demonstrate third party liability coverage, a Hazardous Waste Facility Certificate of Liability Insurance, with American International Specialty Lines Insurance Company (AISLIC) was provided, effective March 25, 2009. AISLIC has since changed their name to Chartis Specialty Insurance Company (CSIC). The CSIC policy, No. PLS 16854127, satisfies the third-party liability requirements for sudden accidental occurrences. The limits of liability are \$1,000,000 per occurrence and \$2,000,000 in the aggregate, exclusive of legal defense costs. According to the insurance broker for this policy, Hylant Group, the policy is currently effective March 25, 2010 through March 25, 2011.

My July 11, 2011 review of this documentation reveals that Universal Materials, Inc. has adequately demonstrated abatement of the following violation discovered during the May 18, 2011 financial record review:

1. ***OAC Rule 3745-55-42(B), Must Adjust Estimate for Inflation***

My review of this documentation also reveals that the following violation cited by me on May 19, 2011 is officially retracted:

2. ***OAC Rule 3745-55-43, Financial Assurance for Facility Closure***

If you have any questions, please feel free to call me at (614) 644-2933 or email me at [shawn.sellers@epa.ohio.gov](mailto:shawn.sellers@epa.ohio.gov).

Sincerely,



Shawn M. Sellers  
Engineering, Remediation and Authorizations Section  
Division of Materials Waste Management

SMS/sw

ec: Ed D'Amato, DMWM, NEDO  
Dennis Garbig, Owens-Illinois, Inc. ([Dennis.Garbig@o-i.com](mailto:Dennis.Garbig@o-i.com))

**Notice:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.

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State of Ohio Environmental Protection Agency

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

September 24, 2007

Mr. Mark Tussing  
Global Glass Technology  
Four O-I Plaza  
One Michael Owens Way  
Perrysburg, OH 43551-2999

**Re: Return to Compliance - 2006 Hazardous Waste Annual Report Requirement  
Universal Materials Inc. in Mogadore - OHD980792600**

Dear Mr. Tussing:

I am writing to notify you that today I received the 2006 Hazardous Waste Annual Report for Universal Materials Inc. The report was requested in a letter from me dated August 22, 2007, indicating that Ohio EPA had not received a report for Universal Materials Inc. for 2006. The report has been processed and entered into Ohio EPA's Annual Report database. The violation has been abated.

I suggest that you file this letter with your Annual Report records in case there are any questions during a future inspection. If you need to contact me in the future, you can call me at 614-644-2923 or send an e-mail to [paula.canter@epa.state.oh.us](mailto:paula.canter@epa.state.oh.us).

Sincerely,

Paula Canter  
Environmental Specialist 3  
Regulatory and Information Services  
Division of Hazardous Waste Management

cc: Central File  
Kris Coder, DHWM NEDO

**NOTICE:**

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

