

porterswright

RECEIVED  
U.S. E.P.A.

2008 SEP 25 PM 12:07

ENVIR. APPEALS BOARD

Porter Wright Morris & Arthur LLP  
41 South High Street  
Suites 2800-3200  
Columbus, Ohio 43215-6194  
Main Telephone #: 800-533-2754  
Main Facsimile #: 614-227-2100

## Facsimile Cover Sheet

SENDER'S FACSIMILE RECEIVING #: 614-227-2100

IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR OR IF YOU HAVE ANY PROBLEMS RECEIVING THIS COMMUNICATION, PLEASE CALL 614-227-2197 IMMEDIATELY. THANK YOU.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL AND SUBJECT TO ATTORNEY CLIENT, WORK PRODUCT, OR OTHER LEGAL PRIVILEGE. THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED AS RECIPIENT. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

Date: September 25, 2008 User: 6867 Client Matter #: 0010501-099918

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 4

### PLEASE DELIVER TO:

NAME	FIRM	FACSIMILE #:	CONFIRMATION #:
1. Erika Durr	Environmental Appeals Board	202-233-0121	202-233-0122

Comments:

From: Robert J. Schmidt, Jr. Phone No. 614-227-2028  
THE ORIGINAL OF THIS DOCUMENT WILL BE SENT BY:

- ORDINARY MAIL       OVERNIGHT DELIVERY SERVICE  
 MESSENGER       THIS WILL BE THE ONLY FORM OF DELIVERY

RECEIVED  
U.S. E.P.A.

**BEFORE THE ENVIRONMENTAL APPEALS BOARD** PM 12:07  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C.** ENV. APPEALS BOARD

\_\_\_\_\_)  
 In re: PPG Industries Ohio, Inc. )  
       PPG Industries, Inc.      )  
                                   )  
 Permit No. RCRA OHD 004 304 689)

**JOINT STATUS REPORT**


PPG Industries Ohio and the United States Environmental Protection Agency Region V file this Joint Status Report as required by previous Order of the Board to report on the efforts of the parties to resolve this matter through the modification of the RCRA permit issued to PPG for the facility located in Circleville, Ohio, Permit No. RCRA OHD 004 304 689. Following the telephone status conference on July 23, 2008, the parties worked cooperatively and determined the best possible method for expediting the modification of the underlying permit to reflect the terms and conditions agreed to settlement in this matter was to have PPG file a permit modification request. On Wednesday, September 17, 2008, PPG filed the required permit modification request with USEPA Region V. In accordance with the various regulations concerning the modification of RCRA permits, PPG has scheduled a public meeting for November 3, 2008 at 7:00 p.m. with public notice being mailed to the interested parties and published in a paper of general circulation in Circleville, Ohio on September 22, 2008.

Although the parties represented at the time of the July 23, 2008 teleconference that the public notice period of 45 days for a Region V initiated permit modification request may shorten the time period for final resolution of this matter, after further consultations between the parties it was determined that because of the resources available to PPG and the Company's familiarity with the permit modification process and public notification requirements for the facility, that it

would be more efficient for PPG to request a permit modification. This permit modification request was based upon the terms of the settlement and formally submitted to the Region and will be made available for public comment and review. A public meeting on the proposed changes to the permit is scheduled for 7:00 p.m. on November 3, 2008, and the public comment period will close on November 22, 2008.

Based on the progress made by the parties, the parties jointly request that the Board issuing an Order continuing the stay of these proceedings and requiring the parties to file a Joint Status Report on or before November 5, 2008 to confirm that the public meeting had occurred and that they continue to anticipate final permit modification and withdrawal of the appeal by the end of November or early December 2008.

Respectfully submitted,

  
Robert J. Schmidt (0062261)  
Porter Wright Morris & Arthur  
41 South High Street  
Columbus, Ohio 43215  
Telephone: (614) 227-2028  
Facsimile: (614) 227-2100

/s Thomas J. Krueger\*  
Thomas J. Krueger  
Associate Regional Counsel  
US EPA, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

\*pursuant to email authorization 9/24/2008

Joseph M. Karas  
Assistant Counsel  
PPG Industries, Inc.  
39 South, One PPG Place  
Pittsburgh, PA 15272  
412-434-2415; fax 412-434-4292

*Counsel for PPG Industries Ohio, Inc. and  
PPG Industries, Inc.*