

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No.: RCRA-05-2023-0008
)	
)	
PPG Industries, Inc., Barberton, Ohio)	
4829 Fairland Road)	EXPEDITED SETTLEMENT
Barberton, Ohio 44203)	AGREEMENT AND
EPA ID No.: OHD004198917)	FINAL ORDER
)	
Respondent)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency ("EPA"), Region 5 ("Complainant") and PPG Industries, Inc., Barberton, Ohio ("Respondent") enter into this Resource Conservation and Recovery Act ("RCRA") Expedited Settlement Agreement ("Agreement") to settle the civil violations set forth in this Agreement for a penalty of \$8,750.

2. EPA inspected the facility located at 4829 Fairland Road in Barberton, Ohio ("the Facility") on June 7-8, 2022. Complainant has determined Respondent violated the following section of RCRA, and the Ohio hazardous waste management program at Respondent's facility:
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ohio Admin. Code §§ 3745-50-40 to 3745-50-235 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. Under Ohio Adm.in. Code§ 3745-52-34(A) and (B),¹ however, a generator may accumulate hazardous waste on-site for up to 90 days (or for up to 120 days if granted an extension) without a permit or interim status. On June 8, 2022, the following observations were made at the facility:
 - One 55-gallon container was marked with a start date of accumulation of February 17, 2022;

¹ See Ohio Admin. Code§ 3745-S0 through 69,205,256,266,270,273, and 279. EPA is enforcing Ohio hazardous waste management program requirements as approved and authorized by the United States on June 30, 1989 (see 54 FR 27170) and the revisions to the hazardous waste management program as approved and authorized by the United States on September 26, 2019 (see 84 FR 50766).

- One 55-gallon container was marked with a start date of accumulation of February 18, 2022;
- Two 55-gallon containers were marked with a start date of accumulation of February 22, 2022;
- Two 55-gallon containers were marked with a start date of accumulation of February 23, 2022; and,
- One 55-gallon container was marked with a start date of accumulation of March 1, 2022.

Each of these containers was shipped off-site on June 10, 2022. Each of these containers was held for longer than 90 days. The longest held container dated 2/17/22 was stored for 23 days beyond the 90-day limit. The shortest held container dated 3/1/22 was stored for 11 days beyond the 90-day limit.

Respondent had not obtained a permit, interim status, or an extension to the 90-day conditional exemption period. Respondent, therefore, stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ohio Admin. Code §§ 3745-50-40 to 3745-50-235.

3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand seven hundred and fifty dollars (\$8,750) is in the public interest.
4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).
5. EPA provided notice of commencement of this action to the state of Ohio pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.

8. Respondent shall pay a civil penalty of eight thousand seven hundred and fifty dollars (\$8,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Payment of civil penalty may be made online at www.pay.gov. To pay online at www.pay.gov use the Search Public Forms option and enter 'sfo 1.1' in the search field then open form. and complete required fields. If Respondent is unable to pay the penalty online at www.pay.gov, contact Brenda Whitney at whitney.brenda@epa.gov to make alternative arrangements.
9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Brenda Whitney
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
whitney.brenda@epa.gov and
R5LEcab@epa.gov

Robert Gustafson
Office of Regional Counsel
U.S. EPA, Region 5
gustafson.robert@epa.gov
10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: gustafson.robert@epa.gov (for Complainant), and aaron.signarovitz@ppg.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

BRENT ICEMAN

Name (print)

PLANT MANAGER

Title (print)

[Signature]

Signature

8.30.23

Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

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FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5