



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Mr. Brian Satterfield
Manager
PPG Industries, Inc.
4829 Fairland Rd.
Barberton, OH 44203

Re: The Expiration of the Federal RCRA Permit for PPG Industries, Inc.
Barberton, Ohio, OHD 004 198 917

Dear Mr. Satterfield:

This letter notifies PPG Industries, Inc., Barberton, Ohio, (PPG), that its federal Resource Conservation and Recovery Act (RCRA) Hazardous Waste Permit expires September 24, 2020. Once PPG's Federal RCRA Permit expires, it will no longer have a federal permit authorizing the treatment, storage or disposal of hazardous wastes in units that require that permit, though it can continue to conduct activities allowed under an exemption from permitting if it meets the conditions for an exemption as set forth in the regulations that govern the exemption. Activities and units covered by an exemption from RCRA permitting, such as the large quantity generator exemption authorized by 35 Ohio Administrative Code (OAC) Rule 3745-52-34 and 40 Code of Federal Regulations (C.F.R.) § 262.34 (which, among other things, imposes conditions addressing air emission standards for containers and tanks at 35 OAC Rules 3745-50 through 3745-270 and at 40 C.F.R. Part 265, Subpart CC), must meet all conditions and/or requirements for the exemption as set forth in the provisions that govern any exemption from RCRA permitting to operate without a permit, or must meet the conditions that apply to permitted facilities. Any hazardous waste activity that requires a RCRA permit, and is not authorized, is prohibited. Among other things, if PPG accumulates hazardous waste on-site after September 24, 2020, it will be incumbent upon it to determine the amount it produces each month pursuant to the applicable regulations and to meet all applicable conditions and requirements. In the event that any activity or unit does not meet the conditions and/or requirements for an exemption from permitting, it shall be immediately subject to, and PPG must comply with, all requirements that apply to facilities that must obtain a RCRA permit, including but not limited to the applicable requirements of 40 C.F.R. Part 264, Subparts AA, BB and CC. In this event, or if PPG intends to operate any hazardous waste units which are subject to 40 C.F.R. Parts 264, it should submit to U.S. EPA a new federal RCRA Hazardous Waste Part B Application (Application).

(1) State and Federal RCRA Permit Status

On September 24, 2010, the State issued to PPG its RCRA Permit which addressed Container Storage and Management, Corrective Action Requirements, and Integrated Groundwater Monitoring. That State Permit expires on September 24, 2020. On August 27, 2012, U.S. EPA issued to PPG its federal RCRA Permit, since the State of Ohio is not authorized to administer the requirements at 40 C.F.R. Part 264, Subparts AA, BB, and CC, which were promulgated under the 1984 Hazardous and Solid Waste Amendments to RCRA. The federal RCRA Permit required PPG to comply with federal Air Emission Standards for Equipment Leaks (40 C.F.R. Part 264, Subpart BB) and Containers (40 C.F.R. Part 264, Subpart CC). The federal RCRA Permit, Section I.E.3, states that “[U]nless revoked or terminated, this permit and all conditions herein will be effective until the permit expiration date of September 24, 2020. This permit and all conditions herein will remain in effect beyond the permit’s expiration date if you have submitted a timely, complete application (40 CFR § 270.10 and §§ 270.13 through 270.29), and, through no fault of your own, the Director has not made a final determination regarding permit reissuance. (40 CFR §§ 270.50 and 270.51).” On September 24, 2020, the federal RCRA Permit expires.

(2) PPG Federal RCRA Permit Renewal Application Leading to Expiration

In March of 2020 PPG submitted to U.S. EPA its federal Application. PPG also submitted to the State an application to renew and modify its current State RCRA Permit. However, U.S. EPA finds that the federal Application does not include information for a federal permit renewal, since PPG states it will close its hazardous waste storage building (HWSB), no longer have any hazardous waste units, and no longer be subject to the regulations at 40 C.F.R. Part 264, Subparts AA, BB, or CC. The federal Application stated that “[O]ne hazardous waste management unit, referred to as the HWSB, was operated at the Barberton facility. PPG has ceased operation of the HWSB and has initiated RCRA closure.” The federal Application further stated that “[W]ith the closure of the HWSB, PPG does not manage hazardous waste in permitted units. Therefore, the requirements of 40 CFR Part 264 Subparts AA, BB, and CC do not apply.” On August 19, 2020, PPG also provided U.S. EPA with a letter entitled “Closure of RCRA-Permitted Storage Area” which stated that “[T]he Barberton plant formally requests termination of its existing federal U.S. EPA Hazardous Waste Management Permit U.S. EPA I.D. No: OHD004198917 as it has completed closure of its permitted container storage area (HWSB).” On August 20, 2020, the Ohio Environmental Protection Agency (OEPA) also provided PPG with a Final Closure Removal letter which stated that “Based on this document review, Ohio EPA has determined that PPG has closed the HWSB according to the approved closure plan and the substantive requirements of OAC rules 3745-5511 through 3745-55-15.” Accordingly, U.S. EPA finds the Application incomplete pursuant to 40 C.F.R. § 270.10, since PPG stated it was no longer subject to federal RCRA permitting requirements and did not seek authority to operate under a federal RCRA Permit. Thus, PPG’s federal RCRA Permit will expire as scheduled on September 24, 2020.

(3) PPG RCRA Closure of its Hazardous Waste Storage Unit and its State Permit Renewal Application

On July 20, 2020, PPG submitted to OEPA a Closure Certification Report for the full closure of its HWSB. PPG said it closed its HWSB properly pursuant to its Closure Plan, dated August 29, 2008. PPG indicated it closed its HWSB because it no longer stored hazardous materials as approved under the State permit. PPG indicated it closed its HWSB prior to its state RCRA Permit expiration and did not include the HWSB in the Application. On August 20, 2020, OEPA

approved PPG's Closure Certification, based upon its review of PPG's Closure Certification Report, as discussed earlier. However, OEPA emphasized that "[T]he facility's compliance with closure obligations under Ohio's hazardous waste laws does not discharge PPG's obligation to investigate and possibly clean up contamination from releases of hazardous waste or hazardous constituents at the facility, regardless of when the waste was placed in the unit. This requirement is known as RCRA Corrective Action." On August 31, 2020, OEPA indicated to U.S. EPA it planned to issue to PPG a State RCRA Permit Renewal to address RCRA Corrective Action requirements.

(4) PPG's Federal RCRA Permit Exempt Status and Conditions for Hazardous Waste Storage

Once PPG's Federal RCRA Permit expires on September 24, 2020, it will no longer have a permit to continue activities or units covered by that permit and must rely on any applicable exemptions from permitting and meet all conditions and requirements for those exemptions, including but not limited to any accumulation limits, timeframes and other conditions. If it does not qualify for an exemption it will be operating without a permit and still be subject to applicable requirements.

If you have any questions please contact Jae Lee of my staff at telephone number (312) 886-3781 or e-mail lee.jae@epa.gov.

Sincerely,

EDWARD
NAM

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EDWARD NAM
Date: 2020.09.17
23:06:43 -05'00'

Edward Nam
Director
Land, Chemicals and Redevelopment Division

cc: Bradley Mitchell, OEPA

