

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

OHIO E.P.A.

AUG 13 2008

By: [Signature] Date: 8-13-08

BEFORE THE OHIO

ENVIRONMENTAL PROTECTION AGENCY

CONTINUED DIRECTOR'S JOURNAL

In the Matter of:

Pilkington North America, Inc.
140 Dixie Highway
Rossford, Ohio 43460

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Directors Final Findings
and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Pilkington North America, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3753.01 and 3753.08.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facility identified below shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3753 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

- Respondent owns and operates a facility that manufactures automobile glass. The facility is located at 140 Dixie Highway, in Rossford, Ohio. The facility is a "stationary source" within the meaning of OAC Rule 3745-104-01(B)(38). The facility stores two tanks, 1,500 lbs each, of titanium tetrachloride. Respondent has more than threshold quantities of "regulated substances," namely titanium tetrachloride as defined in ORC 3745-104-01. The RMP threshold amount for titanium tetrachloride is 2,500 lbs. The process for which this regulated substance is present is a "covered process" within the meaning of OAC Rule 3745-104-01(B)(11). The "covered process" at Respondent's facility is subject to Risk Management Plan ("RMP") Program 2, because the chemical titanium tetrachloride is not subject to OSHA Process Safety Management, and the worst case scenario has population within the distance to the endpoint.

2. Pursuant to Ohio Administrative Code ("OAC") Rule 3745-104-05(A)(3), an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by OAC Chapter 3745-104 shall submit a RMP on the date which a regulated substance is first present at the facility above a threshold quantity in a process. The Respondent did not submit a RMP until eleven months after the titanium tetrachloride was stored on site.
3. On November 14, 2007, an Ohio EPA, Division of Air Pollution Control ("DAPC") auditor conducted a first five-year RMP audit at Respondent's facility and identified the following six violations. The violations are as follows:
 - (a) Respondent failed to submit a RMP on the date when the regulated substance was first present at the facility above a threshold quantity in the process, in violation of OAC Rule 3745-104-05(A)(3).
 - (b) Respondent failed to develop a management plan, in violation of OAC Rule 3745-104-07.
 - (c) Respondent failed to maintain records for the population pertaining to the hazard assessment, in violation of OAC Rule 3745-104-15(E).
 - (d) Respondent failed to conduct a hazard review, in violation of OAC Rule 3745-104-18.
 - (e) Respondent failed to conduct the initial required training, in violation of OAC Rule 3745-104-20.
 - (f) Respondent failed to implement a mechanical integrity program, in violation of OAC Rule 3745-104-21.
4. On December 3, 2007, the Ohio EPA sent Respondent a deficiency letter requiring the violations to be corrected and documentation submitted within thirty days of receipt of the letter.
5. On January 14, 2008, the Ohio EPA sent a warning letter to Respondent, to submit the documentation within ten days of receipt of the letter.
6. On January 28, 2008, the Ohio EPA auditor contacted Respondent by telephone to ensure that the letter had been received. Respondent replied that the documentation would be sent that week.
7. On February 13, 2007, forty days after the due date, the Ohio EPA received the documentation pertaining to the six violations; however, violation 3(c) was not remedied.

8. On March 11, 2008, the Ohio EPA sent a warning letter to Respondent stating that Finding 3(c) was not addressed, and required Respondent to submit the documentation within fifteen days of receipt of the letter.
9. On April 3, 2008, Respondent submitted partial documentation for Finding 3(c).
10. On June 6, 2008, Respondent submitted all of the documentation for Finding 3(c).
11. ORC § 3753.06 prohibits violations of provisions of ORC Chapter 3753 or any rule adopted or issued under it. As of at least March 2006, to February 1, 2007, Respondent has violated rules adopted under ORC Chapter 3753, specifically the Rules cited in Finding 3.
12. The Director has given consideration to, and based on his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Pursuant to ORC § 3753.09, Respondent is assessed a civil penalty in the amount of fifteen thousand one hundred fifty dollars (\$15,150) in settlement of Ohio EPA's claim for civil penalties. Within fourteen (14) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of twelve thousand one hundred twenty dollars (\$12,120) in settlement of Ohio EPA's claims for civil penalties, which shall be deposited into the Risk Management Plan fund established pursuant to ORC § 3753.05. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$12,120. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, attention Brenda Case, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the facility.
2. In lieu of paying the remaining three thousand thirty (\$3,030) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$3,030 to the Ohio EPA's fund for the Clean Diesel School Bus Program (Fund 5CD0). Respondent shall make payment within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$3,030. The official check shall be submitted to Brenda Case, together with a letter identifying the Respondent, the facility, and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor at the following address:

Ohio EPA
Division of Air Pollution Control
P. O. Box 1049
Columbus, Ohio 43216

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 3, Respondent shall immediately pay to Ohio EPA \$3,030 of the civil penalty in accordance with the procedures in Order 2.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks, as required by section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of the Respondent's facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Kimberly Joseph
Ohio Environmental Protection Agency
DAPC
P.O. Box 1049
Columbus, Ohio 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such and event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

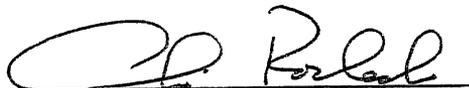
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

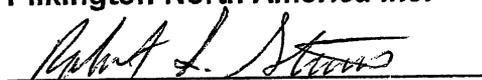


Chris Korleski
Director

8/6/08
Date

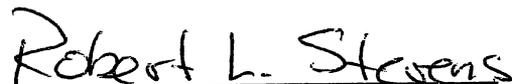
IT IS SO AGREED:

Pilkington North America Inc.

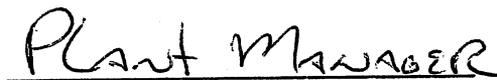


Signature

7/23/08
Date



Printed or Typed Name



Title