State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

June 6, 2008

Re: Director's Final Findings & Orders
Techneglas, Inc.
OHD 000 717 132

Mr. Jeffrey T. Lowry
President & CEO
Techneglas, Inc.
2100 North Wilkinson Way
Perrysburg, Ohio 43551

Dear Mr. Lowry:

Here are the Director's Final Findings and Orders (Orders) issued to Techneglas, Inc. on June 6, 2008. These Orders are effective today.

I have also enclosed invoices for the penalty payments as required by Order Nos. 1.a through 1.f and 2.a through 2.f. Please remember that your first payments are due no later than July 7, 2008.

If you have any questions concerning compliance with these Orders, do not hesitate to contact John Pasquarette at (419) 352-8461.

Sincerely,

David A. Sholtis, Assistant Chief
Division of Hazardous Waste Management

Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Todd Anderson, Legal
Heidi Greismer, PIC
John Pasquarette, Mgr., DHWM, NWDO
Amy Heller, DHWM, NWDO

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OHIO E.P.A.
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ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Techneglas, Inc.
2100 North Wilkinson Way
Perrysburg, Ohio 43551

Respondent

Director's Final Findings and Orders

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.

By: _____ Date: 6-6-03

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Techneglas, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

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 Respondent or of the Facility 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 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent operates a glass products manufacturing facility located at 2100 North Wilkinson Way, Perrysburg, Wood County, Ohio (Facility). Respondent was incorporated to do business in Ohio on April 14, 1987.

2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

3. Respondent notified Ohio EPA of its hazardous waste activities and was issued generator identification number OHD000717132. Respondent is a small quantity generator of hazardous waste.

4. On December 18, 2007, Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a compliance evaluation inspection at the Facility. From this inspection, DHWM determined Respondent had:

   a. Stored hazardous waste at the Facility for greater than 180 days without a hazardous waste installation and operation permit, in violation of ORC §3734.02(E) and (F);

   b. Failed to post emergency information by Facility telephones, in violation of OAC Rule 3745-52-34(D)(5)(b); and

   c. Failed to inspect the Facility hazardous waste container storage area and document the inspections, in violation of OAC Rule 3745-66-74.

   By letter dated January 11, 2008, DHWM notified Respondent of the results of this inspection.

5. By letter dated February 12, 2008, Respondent replied to DHWM's January 11, 2008, letter. By letter dated February 27, 2008, DHWM notified Respondent that the violations from the December, 2007, inspection referenced in Finding Nos. 4.b. and 4.c., had been abated.

6. Because no releases of hazardous waste were observed during the inspection, the Director has determined that no additional action is required of Respondent at this time regarding the ORC §3734(E) and (F) violation referenced in Finding No. 4.a. of these Orders.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent shall pay Ohio EPA the amount of $12,100.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to

ORC Chapter 3734. Of this total amount, $9,680.00 will be deposited into the hazardous waste cleanup fund established pursuant to ORC §3734.28, in accordance with the following schedule:

a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,613.00;

b. Within 60 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,613.00;

c. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,613.00;

d. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,613.00;

e. Within 150 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,613.00; and

f. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $1,615.00.

Payments shall be made by official checks made payable to "Treasurer, State of Ohio". The official checks shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of these checks shall be submitted in accordance with Section X. of these Orders.

2. In lieu of paying the remaining $2,420.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making contributions in the total amount of $2,420.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD) in accordance with the following schedule:

a. Within 30 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $403.00;

b. Within 60 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $403.00;

c. Within 90 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $403.00;

d. Within 120 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $403.00;

e. Within 150 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $403.00; and

f. Within 180 days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of $405.00.

Payments shall be made by official checks made payable to "Treasurer, State of Ohio". The official checks shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of each check shall be submitted in accordance with Section X. of these Orders, and an additional copy of the checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.

3. Should Respondent miss a scheduled payment as described in Order Nos. 2.a. through 2.f., Respondent shall pay to Ohio EPA the missed payment amount no later than 7 days after the missed payment due date. Payment shall be made in accordance with the procedures established in Order No. 1. A copy of each check shall be submitted in accordance with Section X. of these Orders.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks 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 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:

Ohio Environmental Protection Agency
Northwest District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
347 Dunbridge Road
Bowling Green, Ohio 43402-9398

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
50 West Town Street, Suite 700
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

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

XI. RESERVATION OF RIGHTS

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure as well as corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure or corrective action. 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 an 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

June 6, 2008
Date

IT IS SO AGREED:

Techneglas, Inc.

Signature

5-16-08
Date

JEFFREY T. LOWRY
Printed or Typed Name

PRESIDENT & CEO
Title