UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 3 1 2007

VIA FEDEX

Mr. Thomas Horan
Environmental Control Manager
PPG Industries - Nutium Plant
State Route 2
New Martinsville, WV 26155

Re: Notice of Violation
Compliance Evaluation Inspection
March 14, 2007
EPA ID No. WVD004336343

Docket Number: R3-07-NOV-RCRA-23

Dear Mr. Horan:

On March 14, 2007, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the West Virginia Hazardous Waste Management Act ("HWMA"), as amended, Chapter 22-18A, 1994, Series XV, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. of your New Martinsville, West Virginia facility. Based on that inspection and/or review of other pertinent information, EPA has determined that PPG Industries is violating regulations promulgated under HWMA and RCRA. The inspection report is enclosed. As a result of this finding the Agency is issuing this **Notice of Violation ("NOV")**. The specific violations are:

1. The inspector observed 3 open boxes and 3 uncontainerized bundles of flourescent bulbs in violation of universal waste regulation 33CSR 20-13 [40 CFR 273.13(d)(1)] See Photo 6 of the inspection report. The Universal Waste regulations require flourescent bulbs to be containerized and the containers to be closed, labeled, and dated.

2. Additionally, the inspector observed unlabeled and undated boxes of batteries being stored (Photo 8). Universal Waste Regulations at 33CSR 20-13 (40 CFR 273.14 &15) require the batteries to be labeled and dated.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures PPG has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified

are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to $27,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Kenneth J. Cox
Waste and Chemicals Management Division (3WC31)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

Harry T. Daw
Associate Division Director
Office of Enforcement
Waste and Chemicals Management Division

5/29/07
Date

Enc.

cc: T. Fisher, WVDEP w/o

K. Cox, 3WC31 w/o

T. DiFiore, 3WC31 w/o

CONCURRENCES

SYMBOL ▸	3WC31	3WC31						
SURNAME ▸	Cox	Amend						
DATE ▸	5/25/07	5/25/07						

EPA Form 1320-1 (12-70)

OFFICIAL FILE COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 25 2000

J. Thomas Horan
Manager, Environmental Control
PPG Industries, Inc.
P.O. Box 191
New Martinsville, WV 26155

Re: Notice of Violation
Compliance Evaluation Inspection
June 16, 2000
EPA ID No. WVD004336343

Docket Number: R3-00-NOV-RCRA-015

Dear Mr. Horan:

On June 16, 2000, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a joint Compliance Evaluation Inspection ("CEI") with the West Virginia Department of Environmental Protection (WVDEP) under the West Virginia Hazardous Waste Management Act , as amended, W. Virginia Code §20-5E-1, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on that inspection and/or review of other pertinent information, EPA has determined that PPG is violating regulations promulgated under the West Virginia Hazardous Waste Management Act and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV).** The specific violation(s) are:

> At the time of the inspection, a drum containing reactive waste was being accumulated in a satellite area in the carbon disulfide area. The drum was not marked with the words "HAZARDOUS WASTE" or other words that identify the contents of the container as required by 40 CFR §262.34(c)(1)(ii). Therefore this container did not qualify for the exemption from permitting requirements set forth in 40 CFR §262.34. This container was stored without a permit or interim status in violation of RCRA Section 3005, 42 U.S.C. §6925 and 40 CFR § 270.1.

A copy of the Inspection Report, documenting the findings of the inspector, is enclosed for your information.

Within twenty (20) calendar days of the receipt of this NOV, please submit documentation of any measures PPG has taken or is taking to achieve compliance with the violation(s) and/or area(s) of concern noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to $27,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Kenneth J. Cox
U.S. Environmental Protection Agency - Region III
RCRA Compliance and Enforcement Branch (3WC31)
1650 Arch Street
Philadelphia, Pennsylvania 19103

James N. Webb
Associate Director
Office of Enforcement
Waste and Chemicals Management Division

8-23-00
Date

Enclosure

cc: H. Michael Dorsey, WVDEP w/enclosure
Kenneth J. Cox (3WC31)

CONCURRENCES

SYMBOL ▸	3WC31	3WC31						
SURNAME ▸	K. Cox	D. Lott						
DATE ▸	8/21/00	8/24/00						

EPA Form 1320-1 (12-70)

OFFICIAL FILE COPY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Notice of Violation
PPG Industries Inc.
New Martinsville, WV 26155

August 22, 2000

FROM: Ken Cox, Environmental Engineer
RCRA Compliance and Enforcement Branch (3WC31)

TO: James N. Webb, Associate Director for Enforcement
Waste & Chemicals Management Division (3WC30)

I recommend that you sign the attached Notice of Violation which addresses violations of the West Virginia Hazardous Waste Management Act, W. Virginia Code §20-5E-1 and RCRA, as amended, 42 U.S.C. Sections 6901 et seq. by PPG Industries of New Martinville, WV.

A. Respondent

PPG Industries Inc.
WVD0044336343

B. Type of Action

The recommended action is an administrative proceeding for issuance of a Notice of Violation for violations described below.

C. Summary of the Case

One drum of reactive waste in a satellite accumulation area was not labeled with the words HAZARDOUS WASTE or other words to describe its contents.

D. State or City Involvement

The State was notified prior to the tier meeting and concurred.

E. Respondent's RCRA History

The facility's compliance history over the last 5 years is clear except for the State following up on spill reports at which time the State cites them for failure to operate and maintain in a manner to protect the environment.

F. EPA Policy Impact

This action is consistent with EPA policy.

G. Public and Congressional Relations

No special or congressional concern is expected in response to this action.

UNITED STATES POSTAL SERVICE

RECEIVED
SEP 05 2000
RCRA Compliance
Enforcement Branch (3WC31)

First-Class Mail
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USPS
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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
MAIL CODE 3WC31
PHILADELPHIA, PA 19103-2029
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

ATTN: Ken Cox

103/2023

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

J. Thomas Horan
Manager, Environmental Control
PPG Industries, Inc.
P.O. Box 191
New Martinsville, WV 26155

4a. Article Number

P514 581 320

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8-31-00

5. Received By: *(Print Name)*

Steve Mullett

6. Signature: *(Addressee or Agent)*

X Steve Mullett

8. Addressee's Address *(Only if requested and fee is paid)*

PS Form **3811,** December 1994

Domestic Return Receipt

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