



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

June 14, 2010

**MUSKINGUM COUNTY
GENERAL FILE
(MAR-ZANE MATERIALS, INC)
DHWM/SEDO
OHR000158758**

Mr. Anthony Ruggiero
Mar-Zane Materials, Inc.
1794 Moxahala Avenue
P.O. Box 1585
Zanesville, Ohio 43702-1585

Dear Mr. Ruggiero:

On February 18, 2010, Scott Bergreen and I performed a compliance inspection of Mar-Zane Materials, Inc.'s lab to determine its compliance with Ohio's hazardous waste laws and regulations as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC).

Based on our observations and the documentation reviewed from the inspection, a notice of violation letter was sent to you on February 26, 2010. I received your response on April 7, 2010. Your response included the flashpoint results for a waste from a sister facility and your facility is in violation of the following regulation(s). Please provide the documentation requested below within **thirty days** of the date of this letter:

(1) OAC rule 3745-52-11 Hazardous waste determination.

Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method...determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35, and then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

A) Powersolv is a non-chlorinated solvent your facility uses to extract liquid asphalt from pavement mixtures to demonstrate that it meets the required specifications for ODOT projects. Once used, the liquid mixture is collected and taken to the Mar-Zane plant on River Road, where it is placed on the asphalt recycle pile. This material is a waste (it is a spent solvent) and must be fully evaluated. Mar-Zane provided flash point data for a similar waste from a sister facility; however, you have not provided background information to demonstrate that this sample is representative of the waste from this facility, nor was a complete (volatiles, semi-

volatiles, and metals) TCLP analysis run. Also, to meet requirements of the hazardous waste rules, the waste must be sampled at the point of generation, in other words, as soon as the aggregate test has been completed.

- B) Your letter states that your lab produces no TCE waste because the TCE is reclaimed (i.e., distilled) and collected and the distillation bottoms placed on the asphalt recycle pile. However, prior to reclaiming the TCE, this mixture is a spent solvent waste and per OAC rule 3745-51-31, it is a F002 hazardous waste. Mar-Zane must also perform the complete TCLP of this waste-stream to determine if it exhibits any other hazardous waste characteristics. To demonstrate compliance with this rule, provide the waste evaluation documentation, as described above, for both these wastes. Please contact this office prior to collecting samples.

Other compliance issues:

- (a) I received your receipt from American Lighting for the spent lamps. Since you stated in your response that bulbs are accumulated at this facility and we did not see them during the inspection, please provide photographs showing that the bulbs are properly accumulated in labeled, dated boxes.
- (b) The TCE/asphalt mixture is a hazardous waste until it is reclaimed and must be managed as such. If it is accumulated in a container, container regulations (labeling, dating) must be followed.

If you have any questions regarding waste management or pollution prevention activities, please call me at (740) 380-5278.

Sincerely,



Richard Stewart
District Representative
Division of Hazardous Waste Management

RS/dh

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.