



State of Ohio Environmental Protection Agency

Southeast District Office

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

July 26, 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, notice of violation letters were sent to you on February 26 and July 14, 2010. I received your responses on April 7, and July 23, 2010. Your July response included the photographs of your fluorescent bulb/universal waste recycling containers and a container holding your spent TCE from aggregate re-testing. Your letter also stated that you have sent off a sample of the spent Powersolv solution for TCLP analysis and that you would forward the results to me when you have received them. Until I receive these results, Mar-Zane will remain in violation of the following regulation. 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.

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.

Your July response states that a sample was collected and that you will provide a copy of the results to this office once you receive them. This violation will be abated once we receive these results.

Other compliance issues:

Your July response states that Mar-Zane will accumulate the spent TCE until it is recycled (i.e., distilled). Under Ohio's rules, a hazardous waste permit would be required to store this waste prior to recycling. Upcoming rule changes, if adopted, could allow up to 72 hours of storage prior to recycling. However, the distillation bottoms would remain a F002 hazardous waste and cannot be placed onto the asphalt recycle pile, all residues and contaminated materials (wipes, rags, gloves, etc.) will need to be collected for disposal as F002 waste. Failure to manage these wastes properly will result in serious hazardous waste violations. Please indicate how Mar-Zane intends to manage this waste-stream from now on.

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/mlm

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.