



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 4, 2011

Ralph E. Kyanko  
Kokosing Materials, Inc.  
P.O. Box 334  
Fredericktown, OH 43019-9159

**RE: KOKOSING MATERIALS-SHEFFIELD, OHD 982063216  
4140 E. RIVER RD., SHEFFIELD, OHIO, 44054, LORAIN COUNTY  
NOV-RTC**

Dear Mr. Kyanko:

On July 20, 2010, this writer, representing Ohio EPA, Division of Hazardous Waste Management (DHWM), visited Kokosing Materials, Inc. (Kokosing) to conduct a hazardous waste compliance evaluation inspection (CEI). Kokosing was notified of the violations found during the inspection by letter dated September 13, 2010. On October 4, 2010, November 3, 2010, December 7, 2010, and March 30, 2011, KMI submitted its responses to Ohio EPA's September 13, 2010 letter.

The following is the status of the following violation:

**1. OAC rule 3745-52-11, Waste Evaluation**

KMI failed to evaluate spent Powersolv solvent generated from the testing of asphalt samples in the laboratory area of the facility. Ohio EPA considers the spent Powersolv a waste since it is a spent material that has been used for its original, intended purpose. Based on information provided in KMI's October 4, 2010 response, the spent Powersolv exhibits a flashpoint less than 140 degrees Fahrenheit. As such, the spent Powersolv is considered an ignitable (D001) hazardous waste, as described in OAC rule 3745-51-21.

Since KMI did not ensure that the spent Powersolv was delivered to a permitted hazardous waste facility and was unlawfully treated through its aggregate drum furnace, KMI also violated Ohio Revised Code § 3734.02(E)&(F).

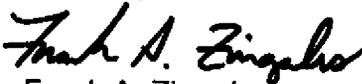
KMI's March 30, 2011 response identified that, while KMI does not agree with the Agency's waste determination, the facility is collecting and managing the spent Powersolv as a hazardous waste.

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**Based on submitted information, this violation has been adequately addressed. No further response is necessary.**

Should you have any questions, please contact me at (330) 963-1108.

Sincerely,



Frank A. Zingales  
Environmental Specialist  
Division of Hazardous Waste Management

FAZ:cl

ec: Natalie Oryshkewych, DHWM, NEDO  
Nyall McKenna, DHWM, NEDO

cc: Marlene Kinney, DHWM, NEDO