



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

May 6, 2013

**TUSCARAWAS COUNTY  
MARVIN CUSTOM INITIATOR MIXING  
DMWM/SEDO  
NON-NOTIFIER**

Mr. Mark Mathias  
Marvin Custom Initiator Mixing Inc.  
P.O. Box 145  
Gnadenhutten, OH 44629

Dear Mr. Mathias:

On, April 4, 2013 Rich Stewart and I investigated a complaint at your company, Marvin Custom Initiator Mixing Inc. (MCIM) located in Gnadenhutten, Ohio. According to the complaint received by Ohio EPA, the complainant alleged improper storage and handling associated with the chemical packaging activities at MCIM. This letter will explain the validity of the complaint, the violation found, and what you need to do to correct the violation, other general concerns we have and what you need to do to respond to our general concerns.

To investigate the complaint we spoke with you about the operations at MCIM. You described your business as a private labeler chemical wholesaler, repackaging chemicals into unitized soluble bags to customer specifications. You said that you also dissolve some chemicals into solvents before packaging them. We observed that you have an office trailer which also houses a laboratory. Your chemical packaging operations are done in a Quonset hut building and in several tractor trailers. You stated that you have never generated any hazardous waste, and that all your product containers are "RCRA empty" before disposal as a solid waste. You did say that you have about 500 pounds of chemicals stored on-site that are in process. Meaning that they were off-specification in some way and you are working to determine if they can be reworked to be useable. You stated that if you determine that the in process materials are not useable; you would dispose of them with Chemical Solvents.

While at your business we observed an outdoor drum storage area and looked briefly inside the Quonset hut, office trailer, and tractor trailers. A full inspection of your process and the operations in the Quonset hut, lab, and tractor trailers was not performed due to strong chemical odors and visible emissions in the air. The chemicals and their concentrations were unknown to us; therefore the safety of being in the building and trailers could not be determined. This prevented us from being able to fully investigate the complaint. For this reason, I request that you provide Ohio EPA with the material safety

data sheets of all chemicals and solvents that are handled at MCIM, and a list of any wastes generated in your operations **within 14 days of your receipt of this letter.**

The following violation of Ohio's hazardous waste laws was found. In order to correct this violation you must do the following and **send me the required information within 14 days of your receipt of this letter.**

- (1) **OAC Rule 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must evaluate the waste to determine if the waste is hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

At the time of the inspection, MCIM had three 55-gallon drums and one 15-gallon drum containing wastes that had not been evaluated. The drums (which are pictured below) were located behind the office/lab trailer. The rusted condition of all the drums indicated that they have been stored outside for a long time.



In order to return to compliance with this rule, provide this office with a written response stating whether or not the waste in the identified drums is hazardous and, if it is hazardous, state which hazardous waste codes apply to the waste. Your written response must include an explanation how the waste determination was made, including any supporting information used to make the determination, such as laboratory analysis. Any wastes that are determined to be hazardous wastes must be disposed of at a permitted hazardous waste facility. Provide copies of the hazardous waste manifests to demonstrate that wastes have been properly disposed.

MCIM needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, MCIM is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance

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includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Elizabeth.Herron@epa.ohio.gov](mailto:Elizabeth.Herron@epa.ohio.gov).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, MCIM is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Should you have any questions, please feel free to call me at (740) 380-5248. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm/>.

Sincerely,



Elizabeth A. Herron  
Environmental Specialist  
Division of Materials and Waste Management

EH/mr

cc: Kimbra Reinbold, DAPC

**NOTICE:**

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

Send to Central Office <input checked="" type="checkbox"/>	<b>Ohio Environmental Protection Agency</b> <b>RCRA SUBTITLE C SITE</b> <b>IDENTIFICATION/VERIFICATION FORM</b>	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to [RCRAInfoData@epa.ohio.gov](mailto:RCRAInfoData@epa.ohio.gov)

<b>Site EPA ID No.</b>	EPA ID Number: <b>Non-Notifier</b>							
<b>Site Name</b>	Name: <b>Marvin Custom Initiator Mixing</b>					Website: (Optional)		
<b>Site Location Information</b>	Street Address: <b>6449 State Route 36 SE</b>							
	City, Town, or Village: <b>Gnadenhutten</b>					State: <b>OH</b>		
	County Name: <b>TUSCARAWAS</b>							
<b>Site Land Type</b> (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
<b>NAICS code(s)</b> <a href="http://www.census.gov/epcd/www/naics.html">www.census.gov/epcd/www/naics.html</a>								

<b>Facility Representative</b>	First Name: <b>Mark</b>		MI:	Last Name: <b>Mathias</b>				
Additional names can be recorded in number 12	Title: <b>President</b>							
	Phone Number: <b>740 922-2228</b>					Phone Number Extension:		
	E-Mail Address: <b>mcim@sbcglobal.net</b>							
Only provide address information if it is different than the site address	Fax Number: <b>740 922-3793</b>					Fax Number Extension:		
	Street or P.O. Box: <b>P.O. Box 145</b>							
	City, Town or Village: <b>Gnadenhutten</b>					State: <b>OH</b>		
						Zip Code: <b>44629</b>		

<b>Legal Owner And Operator of the Site.</b> List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <b>Mark Mathias</b>				Date Became Owner (mm/dd/yyyy):				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Owner Phone #:				
	State:				Country:		Zip Code:		
	Name of Site's Operator:								
	Operator Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:								
	City, Town or Village:				Operator Phone #:				
	State:				Country		Zip Code:		

<b>VIOLATIONS CITED?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>TYPE OF HANDLER - MARK "X" AS APPROPRIATE</b>		
<input type="checkbox"/> Not a HW Generator	<input checked="" type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11	<input type="checkbox"/> Large Quantity Generator (LQG)
	<input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input type="checkbox"/> Conditionally Exempt Small Quantity Generator
		<input type="checkbox"/> U.S. Importer of Hazardous Waste
		<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator

**TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)**

- |   |  |
|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter                    | <input type="checkbox"/> Exempt Boiler and/or Industrial Furnace       |
| <input type="checkbox"/> Hazardous Waste Transfer Facility              | <input type="checkbox"/> Small Quantity On-Site Burner Exemption       |
| <input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste | <input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption |
| <input type="checkbox"/> Recycler of Hazardous Waste                    | <input type="checkbox"/> Underground Injection Control Facility        |
| <input type="checkbox"/> 72-Hour Recycler                               | <input type="checkbox"/> Receives Hazardous Waste from Off-site        |

**UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))**

- |  |   |
|--|---|
| <input type="checkbox"/> Small Quantity Handler of Universal Waste                                 | <input type="checkbox"/> Destination Facility for Universal Waste |
| <input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more) |   |

**CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES**

- Batteries  
 Pesticides  
 Mercury containing equipment  
 Lamps

**USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))**

- Used Oil Generator  
 Used Oil Transporter  
 Used Oil Transfer Facility  
 Used Oil Processor  
 Used Oil Re-refiner  
 Off-Specification Used Oil Burner  
 Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil  
 Used Oil Fuel Marketer who first claims the Used Oil meets the specifications

**Eligible Academic Entities with Laboratories:** Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

- College or University  
 Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university  
 Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

**Waste Codes for Federally Regulated Hazardous Wastes.** Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

**COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.**

Announced  Yes  No      Additional Facility Representatives:  
 Tanks  Yes  No  
 Containers  Yes  No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
<b>Elizabeth Herron</b>	<b>Rich Stewart</b>	<b>4/4/2013</b>

**Comments:**