



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

April 11, 2016

Mar-Zane, Inc.  
PO Box 1585  
Zanesville, Ohio 43702

**Re: Mar-Zane, Inc.  
Director's Final Findings and Orders (DFFO)  
DFFO  
RCRA C - Hazardous Waste  
Muskingum County  
OHR 000 158 758**

**Subject:** Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Mar-Zane, inc.

Enclosed are invoices for the total penalty amount of \$5,000.00 required by the orders. The penalty payment(s) shall be made by official check(s) made payable to "Treasurer, State of Ohio."

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Crumiell-Hagens".

Demitria Crumiell-Hagens, Administrative Professional II  
Division of Materials & Waste Management

Enclosure

cc: Tammy Heffelfinger, DMWM, CO  
Andrea Smoktonowicz, Legal

OHIO E.P.A.

BEFORE THE  
APR 11 2016 OHIO ENVIRONMENTAL PROTECTION AGENCY

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Mar-Zane, Inc.  
3570 South River Road  
Zanesville, OH 43702

Respondent

Director's Final  
Findings and Orders

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to Mar-Zane, Inc. (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA has determined the following findings:

1. Pursuant to ORC § 3734.02(G) and rule 3745-50-31 of the Ohio Administrative Code (OAC), the Director, by order, may exempt any person generating, storing, treating, disposing of, or transporting hazardous waste, in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or comply with other requirements of ORC Chapter 3734. Such an exemption shall be consistent with and equivalent to rules promulgated under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6921 et seq., as amended.
2. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).
3. Respondent operates an asphalt facility located at 3570 South River Road, Zanesville, Muskingum County, Ohio 43702 (Zanesville Facility), a testing laboratory located at 1794 Moxahala Avenue, Zanesville, Muskingum County, Ohio 43702 (Zanesville Lab), and twenty-four (24) additional regional asphalt plants with small testing laboratories in Ohio, Indiana and West Virginia (Regional Facilities) including one located at 1300 West Fourth Street, Mansfield, Richland County, Ohio 44906 (Mansfield Facility). For purposes of these Orders, they are collectively known as Facilities.
4. At the Facilities, Respondent generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent generates hazardous waste in amounts less than 100 kilograms per month, and therefore is considered a conditionally exempt small quantity generator (CESQG) of hazardous waste. Respondent notified Ohio EPA of its hazardous waste activities and was assigned the following U.S. EPA Identification numbers: OHR000158758 (Zanesville Lab) OHD982606493 (Zanesville Facility); and OHD982606618 (Mansfield Facility).
5. The hazardous wastes generated by Respondent at the Zanesville Lab include three waste streams: spent trichloroethylene (TCE) from asphalt testing (F002, D040 - TCE) and the resulting still bottoms (F002) from reclamation of the spent TCE, as described in OAC rules 3745-51-31 (hazardous waste from non-specific sources) and 3745-51-24 (toxicity, TCE); and hazardous waste spent Powersolv (D001 - ignitability) as defined in OAC rule 3745-51-21 (ignitability). At the Mansfield Facility and the Regional Facilities, Respondent generates one waste stream, the hazardous waste spent Powersolv (D001 - ignitability) as defined in OAC rule 3745-51-21 (ignitability).
6. On February 18, 2010, Ohio EPA conducted a compliance evaluation inspection

at the Zanesville Lab. Ohio EPA learned Respondent was transporting spent Powersolv from the Zanesville Lab to the Zanesville Facility for placement on an asphalt recycle pile. Because Respondent was unable to provide any waste evaluation information for the spent Powersolv, Ohio EPA cited Respondent with failing to evaluate wastes to determine if they are hazardous, in violation of OAC rule 3745-52-11.

7. By letter dated February 26, 2010, Respondent was notified of the violation referenced in Finding No. 6. of these Orders.
8. On April 7, 2010, Ohio EPA received a response to the violation letter referenced in Finding No. 7. of these Orders. This response included analytical results of a sample of spent Powersolv from one of Respondent's Regional Facilities. It also explained that the spent TCE (F002, D040) generated at the Zanesville Lab is reclaimed and collected, and the resulting still bottoms are placed on the asphalt recycle pile at the Zanesville Facility.
9. By letter dated June 14, 2010, Ohio EPA notified Respondent that the violation referenced in Finding No. 6. of these Orders was still outstanding as not being representative of the Zanesville Lab spent Powersolv, and Respondent was also in violation of OAC rule 3745-52-11 for failing to evaluate the spent TCE and the still bottoms generated during reclamation of the spent TCE.
10. On July 23, 2010, Ohio EPA received a response to the letter referenced in Finding No. 9. of these Orders. This response indicated that a sample of the spent Powersolv was collected and being analyzed. Additionally, Respondent explained that the spent TCE would be accumulated until it is recycled.
11. By letter dated July 26, 2010, Ohio EPA acknowledged Respondent's response referenced in Finding No. 10. of these Orders, and informed Respondent that the violations of OAC rule 3745-52-11 would be corrected when Ohio EPA received the analytical sample results. This letter also explained that Respondent would need a hazardous waste facility permit to store the spent TCE prior to recycling, and that the still bottoms produced from the reclamation of the spent TCE would still carry the F002 hazardous waste listing, and therefore could not be placed onto the asphalt recycle pile. Such placement would be a use constituting disposal.
12. On August 20, 2010, Ohio EPA received the analytical sample results from Respondent for the spent Powersolv generated at the Zanesville Lab, indicating that it is characteristically hazardous for ignitability (D001).

13. By letter dated August 26, 2010, Ohio EPA requested documentation from Respondent showing that Respondent was managing these materials as hazardous wastes.
14. On September 28, 2010, Ohio EPA received Respondent's response to the request referenced in Finding No. 13. of these Orders. Respondent explained that it did not view the spent TCE and spent Powersolv as wastes because they are reintroduced into the hot mix asphalt process, placed on the recycled asphalt pile, or placed into a tank for use as asphalt crack repair material.
15. During the months of October 2010 through April 2011, Ohio EPA and Respondent had discussions regarding the available options for management of these spent solvent-asphalt solutions.
16. On April 25, 2011, Ohio EPA received a letter from Respondent containing modifications to the management methods referenced in Finding No. 14. of these Orders.
17. During the months of May through July 2011, Ohio EPA and Respondent further discussed the options presented by Respondent. Based upon these discussions, Respondent further modified its management options of the spent solvent-asphalt solutions (or secondary materials) as follows:
  - a. Spent Powersolv will be accumulated and managed as an ignitable hazardous waste while continuing to explore recycling options;
  - b. Reclaimed spent TCE will not be considered a waste under OAC rule 3745-51-03(C)(2)(a) as long as it is managed as it would be if it were the original product, i.e., stored in a closed, appropriate container pending its re-use for its original intended purpose; and
  - c. TCE still bottoms (TCE-asphalt residues) will be used as part of their crack-filling material, which is use as a substitute for a commercial chemical product as described in OAC rule 3745-51-02(E)(1)(b). This crack filler is topically applied to thick and existing multiple layers of aggregate bases, and it is therefore not being directly applied to the land.
18. By letter dated July 20, 2011, Ohio EPA memorialized the agreed-upon management methods referenced in Finding No. 17. of these Orders and notified Respondent that the violations referenced in Findings Nos. 6. and 9. of these Orders were corrected. Finally, this letter informed Respondent that if the management of the TCE-related materials changes, Respondent and the material may be subject to additional hazardous waste regulation.

19. On August 15, 2014, Ohio EPA conducted a compliance evaluation inspection at the Mansfield Facility. During the inspection, Respondent explained to Ohio EPA that as spent Powersolv is generated, it is accumulated in a 55-gallon container which is then transported to the Zanesville Lab for storage prior to reclamation at the end of the asphalt season.
20. On September 4, 2014, Ohio EPA conducted a compliance evaluation inspection at the Zanesville Lab. During the inspection, Ohio EPA was informed that spent Powersolv was received from all Respondent's Regional Facilities and stored prior to reclamation. The reclaimed Powersolv solvent is then shipped back to the Regional Facilities for re-use in the upcoming asphalt season. The still bottoms generated from the reclamation of the spent Powersolv are sent to the Zanesville Facility and placed on the recycled asphalt pile. The spent TCE generated at the Zanesville Lab is reclaimed and the resulting still bottoms are also sent to the Zanesville Facility and placed on the recycled asphalt pile.
21. By letter dated December 8, 2014, Ohio EPA informed Respondent that based upon the inspection at the Zanesville Lab, Ohio EPA determined that Respondent, *inter alia*:
  - a. Failed to evaluate the still bottoms generated as a result of reclamation of the spent Powersolv, in violation of OAC rule 3745-52-11;
  - b. Established and operated a hazardous waste storage facility at the Zanesville Lab without a permit by accepting and storing hazardous waste spent Powersolv from Respondent's Regional Facilities, in violation of ORC § 3734.02(E) and (F); and
  - c. Caused hazardous waste to be transported to a facility not authorized to accept hazardous waste by transporting the listed hazardous waste TCE still bottoms (F002) to the Zanesville Facility, in violation of ORC § 3734.02(F).
22. By letter dated December 31, 2014, Ohio EPA notified Respondent that as a result of the Mansfield Facility inspection, Ohio EPA determined that Respondent, *inter alia*, caused hazardous waste to be transported to an unauthorized facility in violation of ORC § 3734.02(F) by transporting hazardous waste spent Powersolv (D001) to the Zanesville Lab.
23. By letter dated January 9, 2015, Respondent replied to Ohio EPA's letter referenced in Finding No. 21. of these Orders. This letter acknowledged incidents where spent Powersolv still bottoms were placed upon the recycled asphalt pile

at the Zanesville Facility, but stated that it had ceased and the Powersolv still bottoms will be used as crack filler in the future just as the hazardous waste TCE still bottoms are managed. Additionally, Respondent acknowledged that isolated incidents occurred where hazardous waste TCE still bottoms were placed upon the recycled asphalt pile at the Zanesville Facility, but Respondent is taking steps to prevent this from reoccurring, including labeling the still bottom bucket to demonstrate it is crack filler material, educating employees, and notifying them of the consequences for deviation from this practice.

24. Currently, Ohio's rules for the management of hazardous waste prohibit the transportation and storage, prior to reclamation, of hazardous waste spent solvents from one location owned and operated by a business to another off-site location also owned and operated by the same business.
25. On July 13, 2015, the United States Environmental Protection Agency (U.S. EPA) issued a final rule to revise the definition of "solid waste" (DoSW) under 40 Code of Federal Regulations (CFR) 261.2 whereby certain materials are excluded from the definition, and therefore excluded from regulation as a hazardous waste, under certain circumstances. US EPA defines a hazardous secondary material as a secondary material (e.g., spent material) if, when discarded, it would be identified as a hazardous waste. Under 40 CFR § 261.4(a)(23), a hazardous secondary material (i.e., a hazardous waste under Ohio's current rules) undergoing intra-company reclamation is excluded from regulation as a solid waste provided that the generator controls both facilities generating and reclaiming the hazardous secondary material, and certain conditions are met. The required conditions the generator/reclaimer must meet include the following: provide notification pursuant to 40 CFR 260.42; maintain eligibility certifications; keep the hazardous secondary materials contained; maintain shipping records of hazardous secondary materials; maintain documentation on-site of their legitimacy determination pursuant to 40 CFR § 260.43(a); and meet emergency preparedness and response requirements.
26. Currently, Ohio EPA is seeking comments on the new definition of solid waste which is the first step in rulemaking at the state level.
27. Based upon the DoSW, Respondent's spent solvent meets the definition of a hazardous secondary material under 40 CFR § 260.10.
28. On November 3, 2015, Respondent submitted analytical sample results to Ohio EPA demonstrating the spent Powersolv still bottoms were not characteristically hazardous for ignitability (D001).

29. On March 4, 2016, Respondent requested an exemption from the requirement to have a hazardous waste facility installation and operation permit for the storage of hazardous waste spent solvents prior to reclamation (exemption request), as long as the conditions in the exemption and these Orders are met. The exemption request is incorporated into these Orders as Attachment A. Respondent's exemption request included the following:
- a. A list of all of Respondent's Ohio facilities generating spent Powersolv (hazardous secondary material) which will transport the hazardous secondary material, in accordance with all applicable transportation laws, to the Zanesville Lab;
  - b. An initial certification statement for all generating facilities and the reclaiming facility (Zanesville Lab) as found in 40 CFR 261.4(a)(23)(i)(B);
  - c. Notification to recycle the hazardous secondary material which includes the information found in 40 CFR 260.42(a);
  - d. A written description of how the hazardous secondary material will be contained at the generating facilities and at the Zanesville Lab (e.g., managed in 55-gallon poly containers);
  - e. A plan which demonstrates how the hazardous secondary materials will not be speculatively accumulated pursuant to 40 CFR 261.1(c)(8);
  - f. Documentation which describes how the recycling meets the four legitimacy factors pursuant to 40 CFR 260.43(a); and
  - g. A plan which describes the emergency preparedness and response requirements pursuant to 40 CFR 261.400 through 261.420, as applicable to the Zanesville Lab.
29. Pursuant to ORC § 3734.02(G) and OAC rule 3745-50-31, the Director finds that the issuance to Respondent of an exemption from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Zanesville Lab is unlikely to adversely affect the public health or safety or the environment within the meaning of ORC § 3734.02(G) provided that Respondent meets the conditions set forth in these Orders.

## **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:



1. Respondent is hereby exempted from the requirement to submit an application for, and obtain, a hazardous waste facility installation and operation permit issued in accordance with ORC 3734.05 as required by ORC 3734.02(E) for the Zanesville Lab and the applicable generator requirements for the Facilities with regard to the hazardous secondary material (spent Powersolv), provided that Respondent complies with the conditions in Attachment A and meets the conditions set forth herein.
2. Each even numbered year by March 1, Respondent shall provide the information required in 40 CFR 260.42(a) pursuant to Section IX.
3. Respondent shall maintain all records described in Attachment A.
4. The Director may revoke the exemption granted in Order No. 1. of these Orders for any reason, including but not limited to, a determination that Respondent's activities at the Zanesville Lab adversely affect public health or safety or the environment, and/or activities are not being conducted in accordance with these Orders.
5. The exemption from the State of Ohio's hazardous waste requirements provided by these Orders shall terminate when one of the following events occurs:
  - a. Ohio EPA promulgates a final rule that adopts 40 CFR § 261.4.
  - b. The Respondent stops managing hazardous secondary materials in accordance with Attachment A. Respondent must notify the Director within thirty (30) days pursuant to Section IX. of these Orders. For purposes of these Orders, Respondent has stopped managing hazardous secondary materials if Respondent no longer generates, manages and/or reclaims hazardous secondary materials in accordance with Attachment A and does not expect to manage any amount of hazardous secondary materials for at least one year.
  - c. The Director revokes the exemption granted to Respondent under these Orders.
6. The issuance of these Orders by the Director does not release Respondent of any liability it may have incurred for any violations which may have occurred at any of Respondent's Facilities prior to the effective date of these Orders. The issuance of these Orders does not release Respondent from any obligation it has to comply with the State of Ohio's environmental laws, except as otherwise

specifically provided herein.

7. These Orders do not exempt Respondent from any other local, state, or federal laws or regulations which are otherwise applicable.
8. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$5,000.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$5,000.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent. A copy of the check shall be sent to Supervisor, Administrative Processing Unit, Ohio EPA, Division of Materials and Waste Management, P.O. Box 1049, Columbus, Ohio 43216-1049.

#### **VI. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

#### **VII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

#### **VIII. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

#### **IX. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Southeast District Office  
Division of Materials and Waste Management  
2195 Front Street  
Logan, Ohio 43138  
Attn: DMWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For deliveries to the building:

Enforcement Supervisor  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Materials and Waste Management  
50 West Town Street  
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and

satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

#### **XIII. EFFECTIVE DATE**

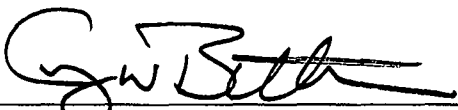
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

#### **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig W. Butler  
Director

IT IS SO AGREED:

Mar-Zane, Inc.

  
Signature

3-17-16  
Date

WADE D. Hamm  
Printed or Typed Name

V.P.  
Title

**ATTACHMENT A**

## **Mar-Zane, Inc. Generating Facilities**

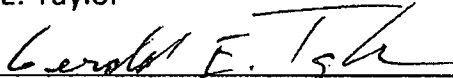
<b>FACILITY</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b>
Plant #1	2406 S. Section Line Road	Delaware	Ohio
Plant #2	20220 St. Rt. #7 S.	Marietta	Ohio
Plant #3	7574 St. Rt. #36	Gnadenhutten	Ohio
Plant #4	37561 Wandling Road	Haydenville	Ohio
Plant #5	St.Rt. 266	Stockport	Ohio
Plant #6	4330 St. Rt. 60	Zanesville	Ohio
Plant #7	668 Likens Road	Marion	Ohio
Plant #9	5701 Higby Road	Chillicothe	Ohio
Plant #10	Portable		
	- Current location: 1601 E. 21st St.	Ashtabula	Ohio
Plant #11	9551 Elliman Rd.	Mantua	Ohio
Plant #12	Portable		
	- Current Location: 3200 Jackson Pike	Grove City	Ohio
Plant #13	59903 Vocational Road	Byesville	Ohio
Plant #17	4540 St. Rt. #39	Perrysville	Ohio
Plant #21	1300 W. Fourth Street	Mansfield	Ohio
Plant #22	Portable		
	- Current location: 38824 National Road	Bethesda	Ohio
Plant #24	101 W. Emerling Ave.	Akron	Ohio
Plant #26	3200 Jackson Pike	Grove City	Ohio
Plant #27	1721 Pine Ave. SE	Warren	Ohio
Plant #28	2800 Center Street	Youngstown	Ohio
S&S Terminal	1731 Old St. Rt. #7	Rayland	Ohio

#### 40 CFR 261.4(a)(23)(i)(B) Certification

On behalf of Mar-Zane, Inc., I Gerald E. Taylor, certify that all generating facility locations of mar-Zane, Inc. will send the indicated hazardous secondary material to Mar-Zane's Main Quality Control Lab, that all facilities are under common control, and that Mar-Zane's Main Quality Control Lab has acknowledged full responsibility for the safe management of the hazardous secondary material."

1. For purposes of this Certification, "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person as defined in §260.10 shall not be deemed to "control" such facilities.
2. The generating and receiving facilities must both maintain at their facilities for no less than three years records of hazardous secondary materials sent or received under this exclusion.
3. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations)

Gerald E. Taylor

A handwritten signature in black ink, appearing to read "Gerald E. Taylor", is written over a horizontal line.

Vice President, Mar-Zane Inc.





**10. Type of Regulated Waste Activity (at your site)**

Mark "Yes" or "No" for all current activities (as of the date submitting the form); complete any additional boxes as instructed.

**A. Hazardous Waste Activities; Complete all parts 1-10.**Y ☒ N ☐**1. Generator of Hazardous Waste**

If "Yes," mark only one of the following – a, b, or c.

- ☐ a. LQG: Generates, in any calendar month, 1,000 kg/mo (2,200 lbs/mo.) or more of hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 1 kg/mo (2.2 lbs/mo) of acute hazardous waste; or Generates, in any calendar month, or accumulates at any time, more than 100 kg/mo (220 lbs/mo) of acute hazardous spill cleanup material.

- ☐ b. SQG: 100 to 1,000 kg/mo (220 – 2,200 lbs/mo) of non-acute hazardous waste.

- ☒ c. CESQG: Less than 100 kg/mo (220 lbs/mo) of non-acute hazardous waste.

If "Yes" above, indicate other generator activities in 2-10.

Y ☐ N ☒

- 2. Short-Term Generator** (generate from a short-term or one-time event and not from on-going processes). If "Yes," provide an explanation in the Comments section.

Y ☐ N ☒

- 3. United States Importer of Hazardous Waste**

Y ☐ N ☒

- 4. Mixed Waste (hazardous and radioactive) Generator**

Y ☒ N ☐**5. Transporter of Hazardous Waste**

If "Yes," mark all that apply.

- ☒ a. Transporter
- ☐ b. Transfer Facility (at your site)

Y ☐ N ☒**6. Treater, Storer, or Disposer of Hazardous Waste**

Note: A hazardous waste Part B permit is required for these activities.

Y ☒ N ☐**7. Recycler of Hazardous Waste**Y ☐ N ☒**8. Exempt Boiler and/or Industrial Furnace**

If "Yes," mark all that apply.

- ☐ a. Small Quantity On-site Burner Exemption
- ☐ b. Smelting, Melting, and Refining Furnace Exemption

Y ☐ N ☒**9. Underground Injection Control**Y ☒ N ☐**10. Receives Hazardous Waste from Off-site****B. Universal Waste Activities; Complete all parts 1-2.**Y ☐ N ☒

- 1. Large Quantity Handler of Universal Waste** (you accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste managed at your site. If "Yes," mark all that apply.

- a. Batteries ☐
- b. Pesticides ☐
- c. Mercury containing equipment ☐
- d. Lamps ☐
- e. Other (specify) \_\_\_\_\_ ☐
- f. Other (specify) \_\_\_\_\_ ☐
- g. Other (specify) \_\_\_\_\_ ☐

Y ☐ N ☒**2. Destination Facility for Universal Waste**

Note: A hazardous waste permit may be required for this activity.

**C. Used Oil Activities; Complete all parts 1-4.**Y ☐ N ☒**1. Used Oil Transporter**

If "Yes," mark all that apply.

- ☐ a. Transporter
- ☐ b. Transfer Facility (at your site)

Y ☐ N ☒**2. Used Oil Processor and/or Re-refiner**

If "Yes," mark all that apply.

- ☐ a. Processor
- ☐ b. Re-refiner

Y ☐ N ☒**3. Off-Specification Used Oil Burner**Y ☐ N ☒**4. Used Oil Fuel Marketer**

If "Yes," mark all that apply.

- ☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner
- ☐ b. Marketer Who First Claims the Used Oil Meets the Specifications

**D. Eligible Academic Entities with Laboratories—Notification for opting into or withdrawing from managing laboratory hazardous wastes pursuant to 40 CFR Part 262 Subpart K**

❖ You can ONLY Opt into Subpart K if:

- you are at least one of the following: a college or university; a teaching hospital that is owned by or has a formal affiliation agreement with a college or university; or a non-profit research institute that is owned by or has a formal affiliation agreement with a college or university; AND
- you have checked with your State to determine if 40 CFR Part 262 Subpart K is effective in your state

Y ☐ N ☒ 1. Opting into or currently operating under 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories  
See the item-by-item instructions for definitions of types of eligible academic entities. Mark all that apply:

- ☐ a. College or University
- ☐ b. Teaching Hospital that is owned by or has a formal written affiliation agreement with a college or university
- ☐ c. Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university

Y ☐ N ☒ 2. Withdrawing from 40 CFR Part 262 Subpart K for the management of hazardous wastes in laboratories**11. Description of Hazardous Waste****A. Waste Codes for Federally Regulated Hazardous Wastes.** Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D001						

**B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes.** Please list the waste codes of the State-Regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed.

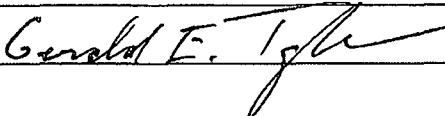

**12. Notification of Hazardous Secondary Material (HSM) Activity**

Y ☒ N ☐ Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 261.2(a)(2)(ii), 40 CFR 261.4(a)(23), (24), or (25)?

If "Yes," you must fill out the Addendum to the Site Identification Form: Notification for Managing Hazardous Secondary Material.

**13. Comments hazardous due to flash point.**

**14. Certification.** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations. For the RCRA Hazardous Waste Part A Permit Application, all owner(s) and operator(s) must sign (see 40 CFR 270.10(b) and 270.11).

Signature of legal owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
	Gerald E. Taylor - Vice President	2/29/16

**ADDENDUM TO THE SITE IDENTIFICATION FORM:  
NOTIFICATION OF HAZARDOUS SECONDARY MATERIAL ACTIVITY****ONLY fill out this form if:**

- ❖ You are located in a State that allows you to manage excluded hazardous secondary material (HSM) under 40 CFR 261.2(a)(2)(ii), 261.4(a)(23), (24), or (25) (or state equivalent). See <http://www.epa.gov/epawaste/hazard/dsw/statespf.htm> for a list of eligible states; **AND**
- ❖ You are or will be managing excluded HSM in compliance with 40 CFR 261.2(a)(2)(ii), 261.4(a)(23), (24), or (25) (or state equivalent) or you have stopped managing excluded HSM in compliance with the exclusion(s) and do not expect to manage any amount of excluded HSM under the exclusion(s) for at least one year. Do not include any information regarding your hazardous waste activities in this section.

**1. Indicate reason for notification. Include dates where requested.**

- ☒ Facility will begin managing excluded HSM as of 1/1/2016 (mm/dd/yyyy).
- ☐ Facility is still managing excluded HSM/re-notifying as required by March 1 of each even-numbered year.
- ☐ Facility has stopped managing excluded HSM as of \_\_\_\_\_ (mm/dd/yyyy) and is notifying as required.

**2. Description of excluded HSM activity.** Please list the appropriate codes and quantities in **short tons** to describe your excluded HSM activity ONLY (do not include any information regarding your hazardous wastes). Use additional pages if more space is needed.

a. Facility code (answer using codes listed in the Code List section of the instructions)	b. Waste code(s) for HSM	c. Estimated short tons of excluded HSM to be managed annually	d. Actual short tons of excluded HSM that was managed during the most recent odd- numbered year	e. Land-based unit code (answer using codes listed in the Code List section of the instructions)
01	D001	0.2	0.1	NA
02	D001	1.5	0.98	NA

**3. Facility has financial assurance pursuant to 40 CFR 261.4(a)(24)(vi).** (Financial assurance is required for reclaimers and intermediate facilities managing excluded HSM under 40 CFR 261.4(a)(24) and (25))Y ☐ N ☒ Does this facility have financial assurance pursuant to 40 CFR 261.4(a)(24)(vi)?

**Mar-Zane, Inc.****Generator's Non-Hazardous Waste Manifest**

Manifest# 1001-2015

Date: \_\_\_\_\_

**GENERATOR**

Generator Name: Mar-Zane, Inc. Plant # Email Address: \_\_\_\_\_  
Physical Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

Authorized Agent/Contact Name/Title: Ed Morrison - Quality Control Manager

Description of Waste: Used PowerSolv Solvent With Appr. Specific Gravity of 0.80.  
Amount: \_\_\_\_\_  
(Estimated Gallons)

I hereby certify that the above-described materials are not hazardous waste as defined by 40 CFR 261 or any applicable state law, have been fully and accurately described, classified, and packaged, and are in proper condition for transportation according to applicable regulations.

\_\_\_\_\_  
Generator Authorized Agent Signature\_\_\_\_\_  
Date**TRANSPORTER**

Company Name: Mar-Zane, Inc. - Lab Driver Name: \_\_\_\_\_  
Address: 1794 Moxahala Avenue Truck Number: \_\_\_\_\_  
City/State/Zip: Zanesville, Ohio, 43701 Shipment Date: \_\_\_\_\_  
Phone: 740-453-0127 Delivery Date: \_\_\_\_\_

I hereby acknowledge the receipt of the above described materials from the generator site listed above. I hereby acknowledge that the above-described materials were transported without incident to the destination listed below.

Driver Signature: \_\_\_\_\_

**DESTINATION -**

Facility: Mar-Zane, Inc. - Lab Phone: 740-453-0127  
Address: 1794 Moxahala Avenue, Zanesville, Ohio, 43701

I hereby acknowledge receipt of the above-described materials.

Harold Walton - Supervisor\_\_\_\_\_  
Name of Authorized Agent (print)\_\_\_\_\_  
Signature\_\_\_\_\_  
Date**HAZARD INFORMATION**Health: 1; Flammability: 2; Reactivity: 0

## Managing Used PowerSolv Solvent

### Generating Facilities:

Each generating facility of Mar-Zane will accumulate and store the used PowerSolv solvent. These containers will be stored in a dry location through the construction season. After the construction season, these containers will be stored inside the plant's lab door to await pick-up for recycling. Mar-Zane will minimize the amount of used PowerSolv that will be stored at the plant's lab at any one time.

### Accumulation and Processing Facility:

This facility will receive the used Powersolv solvent in either 15 gallon, plastic containers or 55 gallon steel drums. The 55 gallon steel drum may be used to accumulate the used solvent for transportation purposes. Once received at the facility, these drums will be stored inside the building, in an accumulation area. This material will be then moved to the processing area to undergo the recycling process.

[illegible]



## Demonstration of Solvent Material NOT Being Speculatively Accumulated.

Mar-Zane will demonstrate that the used solvent is not Speculatively Accumulated with one document generated during the recycling process. On January 2 of every year (since January 1 is a federal holiday), Mar-Zane shall inventory the amount of spent solvent present at the Zanesville Lab for recycling. This amount shall be documented on the recycling process log as being present on-site January 1. Amounts of solvent that are then recycled during the calendar year from January 1 through December 31 shall also be documented on this log. Mar-Zane will periodically check the amount noted to be present on January 1, and the amount that has been recycled during the year, to ensure that at least 75% of the amount present January 1 will be recycled prior to December 31. This will ensure that the spent solvent is not speculatively accumulated.

## Documentation of Legitimate Recycling

Persons performing the recycling of hazardous secondary material (HSM) under the generator-controlled exclusion of 40 CFR 261.4(a)(23) must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all four factors in 40 CFR 260.43(a), except as otherwise noted in 40 CFR 260.43(a)(4)(iii). Documentation must be maintained for 3 years after the recycling operation has ceased. Any type of document is acceptable as long as it addresses the four legitimacy factors.

Provide a brief narrative description describing how the hazardous secondary material (HSM) is recycled by the generator.

The used Powersolv solvent is reclaimed by a distillation system that is onsite at 1794 Moxahala Ave., Zanesville, Ohio. This system processes 3-5 gallons of used solvent in a six to eight hour time frame. The distilled solvent is collected in a clean plastic 10 gallon container and is then transferred into a clean 55 gallon metal drum. The distilled solvent is returned to commercial grade once it has been processed through the system.

Next, check the box under each factor that most appropriately describes how the recycling meets the factor. Then add a brief narrative description explaining how the recycling meets the factor.

### **Factor 1:**

Explain how the HSM provides a useful contribution:

- ☐ Contributes valuable ingredients to a product or intermediate
- ☐ Replaces a catalyst or carrier in the recycling process
- ☐ Is the source of a valuable constituent recovered in the recycling process
- ☒ Is recovered or regenerated by the recycling process
- ☐ Is used as an effective substitute for a commercial product

Provide a written description of how the hazardous secondary material provides a useful contribution to the recycling process or to a product or intermediate of the recycling process:

The Powersolv solvent is used in the quality control process for making Hot Mix Asphalt. The solvent is used to take the liquid asphalt cement off the stone to allow for the gradation testing. The reclaimed Powersolv solvent is reused in the same manner as "new" Powersolv solvent, and has the same solvent effective properties and the "new" commercial grade Powersolv solvent.

**Factor 2:**

Describe how the product or intermediate made from the HSM is valuable:

☐ Sold to a 3<sup>rd</sup> party

☒ Used by the recycler or generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process

*For example: Spent solvents reclaimed on site and then used by the generator are "used as an effective substitute for a commercial product." Check the second line.*

Provide a written description of how the product or intermediate is valuable:

The reclaimed Powersolv solvent is an effective substitute for the "new" Powersolv solvent. The recycling of the used Powersolv Solvent has the same effective properties, and is economically cost effective. The reclaimed solvent is less expensive as the "new" Polwersolv solvent which allows for the company to keep quality control cost low. This in turn allows for the company to keep our prices low for our customers, mainly government agencies such as Ohio Department of Transportation, Federal Highway administration, county, and city road departments.

**Factor 3:**

Describe how the HSM is managed as a valuable commodity:

☒ There is an analogous raw material and the HSM is managed, at a minimum, in a manner consistent with the raw material, or in an equally protective manner

☐ There is no analogous raw material and the HSM is contained per 260.10

Provide a written description of how the hazardous secondary material is managed prior to being recycled:

Each quality control lab has a two 15 gallon plastic containers for "clean" and "used" Powersolve solvent. Each 15 gallon container is stored in-doors to prevent damage or release into the environment. Inside storage is also used to control temperature of the solvent. Once the "used" Powersolv solvent is relocated back to the distillation system, it is stored in-doors for the same reasons as stated above. Some used Powersolv is transferred into metal 55 gallon drum to decrease the amount of drums in the distillation area. This is to allow for space in this area. All solvent to be reclaimed is stored in the distillation area.

**Factor 4:**

Explain how the product of the recycling process is comparable to a legitimate product or intermediate:

   There is an analogous product or intermediate:

  X   The product of the recycling process does not exhibit a hazardous characteristic (as defined in part 261 subpart C) that analogous products do not exhibit; AND

  X   The concentrations of any hazardous constituents found in appendix VIII of part 261 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products OR

   At levels that meet widely-recognized commodity standards and specifications (where the commodity standards and specifications include levels that specifically address those hazardous constituents).

   There is no analogous product:

   The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications, OR

   The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused.

   The product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as outlined above but the recycling is still legitimate.<sup>1</sup>

Provide a written description of how the product made with HSM is comparable to a legitimate product or intermediate:

In Mar-Zane's quality control process, there are only three ingredients used in this process. The first two components comes from the Hot Mix Asphalt (HMA). HMA is produced by combining liquid asphalt cement (a distilled petroleum product) and stone to create a road building material. The third component is the Powersolv solvent, used to take the liquid asphalt cement off the stone when confirming the material specifications of the HMA during the quality control process. In Mar-Zane's distillation process, the used Powersolv solvent is distilled producing two products. The first is the recycled, cleaned Powersolv solvent. This solvent has the same properties as the "new" Powersolv solvent and works equally as well as the "new" Powersolv. The commercial Powersolv has a low flash point at 115° F. The recycled Powersolv is estimated to have a similar low flash point. This is very comparable to the original product.

The second product produced from the distillation process is petroleum still bottoms. This material has the same characteristics as liquid asphalt cement. This product is petroleum based, has the binding

characteristics as liquid asphalt cement, and is water repellent. The product's viscosity varies at different temperatures, and can be rejuvenated when heated. These are the same properties as liquid asphalt cement. This product will be used by Shelly & Sands, a sister company of Mar-Zane, as an asphalt sealant for pavement cracks and joints. This is a topical applications to roadway surfaces. A similar commercial product is "CRAFCO, INC's -Hot-Applied Modified Asphalt Sealant for Pavement Cracks and Joints."

The flash point was the characteristic that triggered the hazardous designation for the used Powersolv solvent. The asphalt still bottoms have been tested to see if the low flash point has carried over to this material. Samples were taken and tested. The test results show the average flash point to be 165° F. The results show that the still bottoms share the same characteristics as the liquid asphalt cement which has a flash point above 140° F.

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## **Mar-Zane Lab's Emergency Preparedness Plan**

1. Mar-Zane Lab will maintain and operate to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous secondary materials or hazardous secondary material constituents to air, soil, or surface water which could threaten human health or the environment.
2. Mar-Zane Lab will be equipped with the following:
  - (a) A telephone, inside the recycling room, will be used for internal communications and will be capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it will also be used to provide immediate emergency instruction to facility personnel;
  - (b) Portable fire extinguishers, and spill control equipment (such as an 95 gallon spill kit equipped with oil absorbing pads, socks, pillows, nitrile gloves, and granular oil absorbent);
  - (c) River access to provide water at adequate volume to supply water hose streams, or foam producing equipment of the local fire department.
3. All facility communications, fire protection equipment, and spill control equipment, where required, will be tested and maintained as necessary to assure its proper operation in time of emergency.
4. Mar-Zane Lab will maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, and spill control equipment, to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.
5. Mar-Zane Lab will conduct an open house to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous secondary material handled at the facility and associated hazards, places where facility personnel would normally be working, and entrances to roads inside the facility.
6. Mar-Zane lab will have, all times, at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures. This employee is the Emergency Coordinator. Ed Morrison, Quality Control Manager will be the Emergency Coordinator for after hour's emergencies.
7. Mar-Zane lab will post the following information next to the telephone:
  - (a) The name and telephone number of the emergency coordinator;
  - (b) Location of fire extinguishers and spill control material,
  - (c) The telephone number of the fire department, police, and medical response, and
  - (d) Address of present location.
8. Mar-Zane Lab will provide annual training to all personnel on the proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

## Emergency Coordinator Responsibilities

The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

- (A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- (B) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
- (C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when Mar-Zane has knowledge that a spill has reached surface water, Mar-Zane will immediately notify the National Response Center (using their 24-hour toll free number 800/424-8802).
- (D) An incident report will be written and submitted to the state and federal Emergency Response Centers no later than 30 days after the incident. The report will include (at the minimum) the following information:
  - (i) The name, address, and U.S. EPA Identification Number of the facility;
  - (ii) Date, time, and type of incident (e.g., spill or fire);
  - (iii) Quantity and type of hazardous waste involved in the incident;
  - (iv) Extent of injuries, if any; and
  - (v) Estimated quantity and disposition of recovered materials, if any.