



October 11, 2024

John Rich
Operations Manager
Material Science Corp
460 W Main St
Canfield, OH 44406

**Re: Material Sciences Corporation
Notice of Violation (NOV)
NOV
RCRA C - Hazardous Waste
Columbiana County
OHD000810283**

Hazardous Waste Program - DERR

Subject: FCI Notice of Violation

Dear Mr. Rich:

Thank you and James Steudler with THG & Associates for accompanying Kurt Kollar, On Scene Coordinator, Office of Emergency Response, and me during Ohio EPA's August 1, 2024, Focused Compliance Inspection (FCI) at Material Sciences Corporation (MSC) located at 460 W. Main Street, Canfield, Ohio (Facility). This FCI has also incorporated recent reviews of data and communications between MSC's environmental consultant and Ohio EPA, as well as information provided during the meeting between Ohio EPA and MSC and your environmental consultant on October 10, 2024. The goal of the FCI was to investigate a release that had occurred along the east side of the Facility which was discovered by Ohio EPA's Office of Emergency Response. The investigation was also conducted to determine MSC's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and the rules adopted pursuant to ORC § 3734.12 found in Chapter 3745 of the Ohio Administrative Code (OAC). The investigation included a review of the release area and MSC's operations related to the release.

Findings

Ohio EPA determined the following violations of Ohio's hazardous waste laws and rules. To bring MSC into compliance, Ohio EPA recommends promptly addressing these violations within 14 days of your receipt of this letter.

- 1. ORC § 3734.02 (E) and (F), OAC rule 3745-50-41(A) and OAC rule 3745-50-45(A), Unlawful Disposal of Hazardous Waste:** No person shall store, treat, or dispose of hazardous waste regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous

waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any permitted hazardous waste facility. In addition, OAC rules 3745-50-41(A) and 3745-50-45(A) provide that ORC Chapter 3734 requires a permit for the treatment, storage or disposal of any hazardous waste as identified or listed in Chapter 3745-51 of the Administrative Code.

Sometime on or around July 1, 2024, a release of brown wastewater was discovered in the ditch just east of the MSC Facility. This ditch flows through a potential wetland area and into Sawmill Creek. This brown wastewater was discovered emanating from and around pipes from MSC's Facility into the ditch. Prior to and after Ohio EPA's on-site portion of the FCI, MSC provided analytical results from sampling conducted in the ditch which had been impacted by this release. These samples indicated there were elevated levels of plating operation chemical constituents such as cyanide, zinc and high pH levels. This information along with the visual discoloration found in the ditch indicates that a release of hazardous waste had occurred and may still be occurring from plating operations at the Facility. This release has impacted at least 1,000 feet of the ditch, including potential wetland areas.

Ohio EPA determined that MSC caused the unlawful disposal of spent cyanide plating and cleaning solutions, listed hazardous waste, F007, F008 and F009, as described in OAC rule 3745-51-31, and corrosive hazardous waste, D002, as described in OAC rule 3745-51-22, in violation of ORC § 3734.02 (E) and (F), OAC rule 3745-50-41(A) and OAC rule 3745-50-45(A) due to this release of hazardous waste. Therefore, MSC has established an unlawful hazardous waste disposal facility without first obtaining a hazardous waste facility installation and operation permit.

In order to mitigate the violations, Ohio EPA recommends MSC eliminate the release of hazardous waste into the ditch, determine the rate and extent of the release of hazardous waste on and off the Facility property, and clean up the release/discharged hazardous waste on and off the Facility property. Any waste generated from the cleanup must be characterized pursuant to OAC rule 3745-52-11. Please also refer to the abatement actions described in the Office of Emergency Response's NOV dated July 12, 2024.

Since MSC violated ORC § 3734.02(E) and (F) by establishing an unpermitted treatment, storage, or disposal facility (TSDF), MSC is subject to the closure and financial assurance requirements in OAC rules 3745-55-10 through 3745-55-48. Therefore, MSC may be required to submit a closure plan for the areas where the hazardous waste was unlawfully disposed. A closure plan describes the steps necessary to investigate the extent of contamination and clean up all contamination found.

MSC is also subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55, until such time as MSC has demonstrated that it has ceased operations as

a TSDf. Additionally, at any time, Ohio EPA may assert its right to have MSC begin facility-wide cleanup, pursuant to the corrective action process under Ohio EPA's requirements.

Conclusion

The Ohio EPA requests that MSC promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and rules. Within 14 days of receipt of this letter, please provide documentation to Ohio EPA of the actions taken to resolve the violations cited above. If you have not yet resolved the violations, please submit a compliance plan on how MSC will correct the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs as appropriate may be submitted via the postal service or electronically to karen.nesbit@epa.ohio.gov.

Please be advised that the violations cited above will continue until the violations have been properly resolved. Failure to comply with Chapter 3734. of the ORC and rules promulgated thereunder may result in an administrative or civil penalty.

The submission of any requested information in response to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 3734. of the ORC.

This NOV is only associated with the areas of the operations that were inspected or the documentation reviewed and does not constitute a waiver of potential violations not discovered.

A copy of the inspection report will be sent with a separate letter. You can find Ohio's hazardous waste rules and other information on the division's web page at: <https://epa.ohio.gov/divisions-and-offices/environmental-response-revitalization>.

Should you have any questions, please contact me at (330) 963-1159 or karen.nesbit@epa.ohio.gov.

Sincerely,

Mitchell Mathews for

Karen L. Nesbit
Hazardous Waste Program
Division of Environmental Response and Revitalization

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