



June 5, 2025

Mr. Mike Cocanig
Chief Operations Officer
Material Science Corporation
460 W Main Street
Canfield, OH 44406

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

Hazardous Waste Program - DERR

Subject: FCI Notice of Violation / Resolution of Violation

Dear Mr. Cocanig:

Thank you for having Kain Lager-Lowe with August Mack Environmental (August Mack) accompany Chris Biro and Andriana Cooper during Ohio EPA's April 16, 2025, Focused Compliance Inspection (Inspection), of Material Sciences Corporation (MSC) located at 460 West Main Canfield Ohio (Facility). The goal of this inspection was 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) and the terms and conditions of MSC's Directors Final Findings and Orders (DFFO) issued on December 31, 2024.

During the inspection, Ohio EPA discovered MSC storing at least eleven (11) 55-gallon containers holding hazardous waste generated during the initial release response phase (July 2024) at the Facility. Based on this discovery, Ohio EPA requested details regarding the history of all hazardous waste currently being managed at the Facility. On May 12, 2025, on behalf of MSC, August Mack submitted a letter that included the requested history of the hazardous waste streams. August Mack also included copies of hazardous waste manifests for the hazardous waste that have been shipped off site.

Findings

Based on the observations during the Inspection and the May 12, 2025, letter, Ohio EPA determined the following violations of Ohio's hazardous waste laws and rules:

- 1. ORC § 3734.02 (E) and (F), OAC rule 3745-50-41(A) and OAC rule 3745-50-45(A), Accumulation Beyond 90 Days:** 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.

The May 12, 2025, letter documented the following hazardous wastes have been stored on-site for greater than 90 days:

- A. Eleven (11) 55-gallon drums of hazardous waste ditch sludge/sediment generated during the July 2024 emergency response. These containers were transported to an authorized facility on April 30, 2025.
- B. Six (6), 55-gallon drums of investigation-derived (IDW) hazardous waste generated during October 2024. These containers were transported to an authorized facility on May 9, 2025.
- C. A roll-off container ID#DB1023, holding hazardous waste soil cuttings from soil borings and ground water monitoring wells installed during the October 2024 investigation, had an accumulation start date of September 27, 2024. This container was transported to an authorized facility on May 23, 2025.
- D. Two (2) 55-gallon containers holding hazardous waste IDW generated on November 4 and 5, 2024. These containers were transported to an authorized facility on May 30, 2025.

August Mack, on behalf of MSC, provided hazardous waste manifests documenting all unlawfully stored hazardous waste has been transported off-site to an authorized facility.

Generally, with violations such as these, Ohio EPA would expect MSC to conduct hazardous waste closure in accordance with OAC rules 3745-55-10 through 3745-55-48 for the areas where hazardous waste was unlawfully stored. However, considering the hazardous waste cleanup (corrective action) already occurring in the areas where the hazardous waste was stored, no additional cleanup is warranted for these violations, provided MSC completes its cleanup obligations as required by the DFFO.

Therefore, no further action is required for these violations.

2. OAC Rule 3745-52-17(A)(1)(b), Conditions for exemption for large quantity generators that accumulate hazardous waste – conditions of containers: If a container is not in good condition, the large quantity generator must immediately transfer the hazardous waste from this container to a container that is in good

condition. At least weekly, the large quantity generator shall inspect central accumulation areas

During the inspection, Ohio EPA observed at least six (6) 55-gallon containers that were not in good condition. These containers were bulging, which could cause the containers to release its contents. After the inspection, MSC provided documentation that these containers were properly managed and transported off-site to an authorized facility.

Therefore, this violation is resolved.

Storing hazardous waste in excess of the time allowed by Ohio's hazardous waste laws and rules is a serious violation. However, due to the nature of the events surrounding this and the prompt shipment of the hazardous waste to a permitted hazardous waste facility, my staff and I have decided to let this letter serve as a warning and to document that the violations of ORC § 3734.02(E) and (F), and OAC rules 3745-50-41(A) and 3745-50-45(A) are resolved, and that no further action is required at this time. This letter not only resolves this violation but also serves as a warning that future violations of Ohio's hazardous waste laws and regulations may result in consideration of alternative escalated enforcement options.

Please be advised that this letter is only associated with those areas of the operations that were investigated, or the documentation reviewed and does not constitute a waiver of potential violations not discovered.

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 Adriana Cooper at (330) 963-1237, or Adriana.Cooper@epa.ohio.gov.

Sincerely,

Mitchell Mathews

Mitchell Mathews, Manager
Compliance Assurance Section – Hazardous Waste Program, CO
Division of Environmental Response and Revitalization

ec. John Rich, Material Sciences Corp.
Aaron Quinn, Material Sciences Corp.
Brandon Lewis, August Mack Environmental, Inc.
Charlie Gomez, August Mack Environmental, Inc.
Bryant Hoffer August Mack Environmental, Inc.

Natalie Oryshkewych, DERR-NEDO

Melisa Witherspoon, DERR-CO

Melissa Storch, DERR-CO

Eric Sainey, ERAS-CO

Melissa Langton, ERAS-CO

Christoper Biro, Northeast District Office, DERR

Zak Kabelen, CO, DERR

EPA.RCRAInfoData@epa.ohio.gov