

**Environmental
Protection Agency**

**Governor
Lt. Governor
Director**

August 24, 2011

RE: AGMET METALS, INC.
MAPLE HTS.
CUYAHOGA COUNTY
VARIANCE COMPLIANCE INSPECTION
NOV - PRTC

Dana Cassidy, President and CEO
Agmet Metals, Inc.
5533 Dunham Rd.
Maple Hts., OH 44137

Dear Mr. Cassidy:

On June 7, 2011, Nyall McKenna and I inspected the Agmet Maple Heights facility to determine its compliance with its variance, and the Ohio hazardous waste and used oil rules and laws as found in Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code. Our inspection included a review of your operations and records. Rajesh Shah, Fred Warren, Conrad Hornung, and Brian Dasher accompanied us on our plant tour. Pictures were taken during the tour.

This is one of two Agmet facilities in Ohio. The other facility is located in nearby Oakwood Village. Agmet is in the business of reclaiming metal oxides (nickel, copper, cobalt, tin and zinc) from secondary materials. The metal oxides, referred to as Metal Concentrate, are sold to smelters as feedstock. Both facilities operate with a variance from classification as a waste, granted by Ohio EPA on December 22, 2005. This variance allows this facility to accept and store Metal Concentrate Variance Material without a permit. Crushing, blending, and drying of product and non-hazardous catalysts occur here.

We were told that spent lamps are the only hazardous waste generated at this site and they are sent off-site for recycling as universal waste. We understand that all catalysts are non-hazardous. Used oil is used on-site to lubricate the feed hopper and discharge conveyor of the pelletizer or sent via a tote to the Oakwood facility to lubricate its conveyor.

The following violations were noted.

1. **Variance Condition 2.k., and Variance Condition 2.l.** Agmet Oakwood was manifesting variance material filters to Agmet Maple Heights as F006 to be shredded. Agmet Maple Heights would shred these filters and then manifest the shredded variance material filters back to Oakwood as F006 to be calcined.

By accepting variance material filters from the Oakwood facility at this site, Agmet violated the Variance conditions that allow Maple Heights to only accept Metal Concentrate Variance Material which is product that needs no calcination. By storing these filters at Maple Heights, Agmet violated the Variance condition that provides Variance Material be stored only in the bulk storage building at Oakwood.

Please respond with a description of how you have returned to compliance with these variance conditions within 30 days of the date of this letter.

2. **Used Oil Management Prohibition – OAC 3745-279-12(A)**

We understand that generators send swarf from which all visible free flowing oil has been removed, to Agmet as scrap metal. Agmet places the swarf on a screen over a roll-off box to collect any additional oil from the metal scrap. We were told the collected oil is then placed onto the variance material filters that are located on the floor of building #135 in one of the bunkers.

Used oil must not be managed in a waste pile unless the waste pile meets the requirements for a hazardous waste pile. Building #135 does not meet the requirements for a hazardous waste pile and is not permitted as such. You must immediately stop this practice of mixing the collected oil with the filters. Please respond with your written plan for properly managing the used oil that you generate.

3. **Universal Waste Lamp Labeling – OAC 3745-273-14(E)**

Spent fluorescent bulbs were being stored in a box in the basement below the offices. The box was labeled "universal waste". The required labeling is "universal waste – lamps", or "waste lamps", or "used lamps". The word "lamps" was added to the label during the inspection returning your facility to compliance with this rule. No further action regarding this violation is needed at this time.

One concern was noted. Approximately 25 totes of sodium hydroxide with a pH of 13.9 were being stored in building #25 located directly south of the office building. We understand this material was purchased as non-hazardous material from an off-site generator between March and October of 2010 but none of the solution has been used yet. Please explain the purpose and your intentions for this sodium hydroxide.

Please submit your responses to the violations and concern noted within 30 days of the date of this letter to me. Copies of the checklists completed for used oil and universal wastes are enclosed. If you have any questions related to this letter, feel free to call me at (330) 963-1226.

Sincerely



Sheryl K. Slone, P.E.
District Engineer
Division of Materials and Waste Management

SKS:ddw
Enclosure

ec: Natalie Oryshkewych, DMWM, NEDO
Karen Hale, DMWM, CO
Nyall McKenna, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Fran Kovac, Legal, CO

NOTICE: The absence of a specific deficiency or violation in this letter does not relieve your facility from the obligation to comply with all applicable regulations.

Send to Central Office <input type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. Site Name	EPA ID Number: NONE		Website: <u>agmeti.com</u> (Optional)					
Site Location Information	Street Address: <u>5533 DUNHAM ST.</u>							
	City, Town, or Village: <u>MAPLE HTS.</u>		State: OH					
	County Name:		Zip Code: <u>44137</u>					
Site Land Type (check only one) NAICS code(s) www.census.gov/epcd/www/naics.html	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"/>

Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: <u>MICHAEL</u>		MI:	Last Name: <u>AGIN</u>	
	Title: <u>PRESIDENT & OWNER</u>				
	Phone Number: <u>440-439-7400</u>		Phone Number Extension: <u>-</u>		
	E-Mail Address: <u>magin@agmeti.com</u>				
	Fax Number: <u>440-439-7446</u>		Fax Number Extension: <u>-</u>		
	Street or P.O. Box: <u>7800 MEDUSA ST.</u>				
	City, Town or Village: <u>OAKWOOD</u>		State: <u>OH</u>		
			Zip Code: <u>44146</u>		

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: <u>MICHAEL AGIN</u>		Date Became Owner: <u>1984</u> (mm/dd/yyyy):						
	Owner Type:	<input checked="" type="checkbox"/> Private	<input 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
	Street or P.O. Box: <u>7800 MEDUSA ST.</u>								
	City, Town or Village: <u>OAKWOOD</u>		Owner Phone #: <u>440 439 7400</u>						
	State: <u>OH</u>		Country: <u>US</u>		Zip Code: <u>44146</u>				
	Name of Site's Operator: <u>STEVE JONES</u>		Date Became Operator: <u>~ JAN 2009</u> (mm/dd/yyyy):						
	Operator Type:	<input checked="" type="checkbox"/> Private	<input 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
	Street or P.O. Box: <u>(SAME)</u>								
	City, Town or Village:		Operator Phone #:						
	State:		Country:		Zip Code:				

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input type="checkbox"/> Not a HW Generator	<input 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). Check the box for the applicable generator status and provide a comment.	<input type="checkbox"/> Small Quantity Generator (SQG)
		<input checked="" 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))

Small Quantity Handler of Universal Waste Destination Facility for Universal Waste

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

Tanks Yes No

Containers Yes No

Additional Facility Representatives: FRED WARREN, RAJESH SHAH, CONRAD HORNUNG, BRIAN DASHER

Name of Inspector(s) Name of Inspector(s) Date of Inspection/Time (mm/dd/yyyy) (hh:mm)

SHERRY SLONE NUALL McKENNA 06/07/2011 9:30AM

Comments:

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS – BATTERIES AND LAMPS

Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more

Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less

PROHIBITIONS

1.	Did the SQUWH dispose of universal waste? [3745-273-11(A)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
2.	Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in OAC rule 3745-273-17 or managing specific wastes as provided in OAC rule 3745-273-13? [3745-273-11(B)]	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

WASTE MANAGEMENT AND LABELING/MARKING

UNIVERSAL WASTE BATTERIES

3.	Are batteries that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
4.	If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
5.	Are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
6.	If the electrolyte is removed or other wastes generated, has it been determined whether the electrolyte or other wastes exhibit a characteristic of hazardous waste? [3745-273-13(A)(3)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
a.	If the electrolyte or other waste is characteristic, is it managed in compliance with OAC Chapters 3745-50 through 3745-69? [3745-273-13(A)(3)(a)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
b.	If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
7.	Are the batteries or containers of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)"? [3745-273-14(A)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

UNIVERSAL WASTE LAMPS

8.	Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
9.	Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)]	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

NOTE: Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC rule 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility using a hazardous waste manifest.

10.	Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)"? [3745-273-14(E)] <i>were labeled "Universal Waste" added "lamps" to label during inspection</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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ACCUMULATION TIME		
11.	Is the waste accumulated for less than one year? [3745-273-15(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. If not, is the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
NOTE: Accumulation is defined as date generated or date received from another handler.		
12.	Is the handler able to demonstrate the length of time the universal waste has been accumulated? [3745-273-15(C)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	If yes, describe below: <i>box was dated 5/26/11</i>	
EMPLOYEE TRAINING		
13.	Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
RESPONSE TO RELEASES		
14.	Are releases of universal waste and other residues immediately contained? [3745-273-17(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the material released characterized? [3745-273-17(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
16.	If the material released is a hazardous waste, was it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to OAC Chapter 3745-52) [3745-273-17(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
OFF-SITE SHIPMENTS		
NOTE: If a SQUWH self-transport waste, then the handler must comply with the Universal Waste transporter requirements.		
17.	Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
18.	Is the handler aware of DOT requirements for packaging and shipping?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	If no, make aware of 49 CFR 171-180.	
19.	Prior to shipping universal waste off-site, does the originating handler ensure that the receiver agrees to receive the shipment? [3745-273-18(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
20.	Has the originating handler ever had an off-site shipment rejected by another handler or destination facility?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	a. If yes, did the originating handler receive the waste back or agree to where the shipment was sent? [3745-273-18(E)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
21.	If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss and do <u>one of the following</u> :	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	a. Send the waste back to the originating handler or send the shipment to a destination facility (If both the originating and receiving handler agree)? [3745-273-18(F)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
22.	If the handler received a shipment of hazardous waste that was not a universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
EXPORTS		
23.	Is waste being sent to a foreign destination? If so:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

	a. Does the small quantity handler comply with primary exporter requirements in OAC rules 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	b. Is waste exported only upon consent of the receiving country and in conformance with the U.S. EPA "Acknowledgment of Consent" as defined in OAC rules 3745-52-50 to 3745-52-57? [3745-273-20(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	c. Is a copy of the U.S. EPA "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] <i>placing used oil on filter material</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] <i>roll-off</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER

10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: <i>No</i>	
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).

GENERATOR TRANSPORTATION

11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.



State of Ohio Environmental Protection Agency

Northeast District Office

2110 E. Aurora Road
Twinsburg, Ohio 44087-1969

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

08/18/2010

CUYAHOGA

AGMET LLC

NOV

Hazardous Waste

OHR000161299-001-08/18/2010



**Environmental
Protection Agency**

Richard R. Latta, Governor
Lee Fisher, Lt. Governor
Cheryl L. Hightower, Director

August 18, 2010

RE: AGMET METALS, INC.
MAPLE HTS
CUYAHOGA COUNTY
VARIANCE COMPLIANCE INSPECTION
NOV

Steve Jones
Manager of Operations
Agmet Metals, Inc.
5533 Dunham Rd
Maple Hts., OH 44137

Dear Mr. Jones:

On June 1, 2010, Kris Coder and I inspected the Agmet Maple Heights facility to determine its compliance with its variance, Ohio's hazardous waste, used oil and universal waste rules as found in Chapter 3745 of the Ohio Administrative Code and Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code. Our inspection included a review of your operations and records. Fred Warren, Conrad Hornung, and Brian Dasher accompanied us on our plant tour. In addition Rajesh Shah accompanied us during the tour of the liquids portion of the facility. Pictures were taken during the tour.

In an e-mail on June 11, 2010 and in a letter dated June 21, 2010 we requested additional information including the metal content and an explanation of the intended use of the material in a list of containers. We received the requested information on June 25, 2010 and additional clarifying information on August 5, 2010. In general, it appears you have either already processed or intend to process these materials within 90 days.

We noted the following violations during our inspection.

1. Used Oil Container Labeling - OAC 3745-279-22(C)

We understand swarf is received at the facility in open head drums. The swarf is transferred into one of two stationary roll-offs in the process building. Oils that drain from the swarf are pumped out of the roll-off and sent off-site for recycling and the swarf is then scooped out and placed in bunkers on the process floor for mixing with other materials. The roll-offs were not labeled 'used oil' as required.

Please label the roll-offs immediately and submit a picture of each documenting that the proper labels have been added.

2. Personnel Training - Variance Condition 2.q.

We were provided with a copy of the training matrix. It is unclear if all employees have completed the required training since some position descriptions in the matrix are not listed in the key at the top with their required training modules. Solutions Labor, Lab Technician, Maintenance Technician, S&R Labor, 2nd Shift Foreman,

Foreman, Office Coordinator, and Maintenance Electrician are positions listed for various employees in the chart but those are not listed job descriptions at the top where the required modules are defined by job description.

Please define the required training modules for these additional job titles or revise the job titles in the chart to be consistent with those listed in the key at the top for which training requirements have been defined. Submit the revised training matrix documenting the required training has been completed by the appropriate employees.

The following concerns were noted.

1. There was some green staining on the concrete south of building 202. We understand a hose flopped out of a tanker causing a small spill. The spill was cleaned up but the staining remains. We understand you will try to power wash &/or use trisodium phosphate to clean the concrete.
2. There is a storm sewer immediately outside of the east garage door of building 201. It appears at least part of the floor of the liquids storage building slopes directly toward this sewer. Facility representatives said they would investigate ways to prevent possible spillage in the building from entering this sewer.
3. Oil from swarf in a bunker in building 135 was running across the concrete floor towards the east exterior wall. We were told that the oil would be cleaned up immediately.
4. There were some green puddles and blue-green material spilled on the floor of building 127. We were told the material would be cleaned up and placed in the processing area.
5. There were some drums labeled 'LMC filtercake' outside of building 126 that were in poor condition. We understand the contents of those drums have since been placed into bunkers in the process building.
6. We were provided with a copy of your updated Spill Response Plan. On pages 4 and 5, only Ohio EPA's daytime phone number is listed. Please include our 24 hour emergency spill reporting number, 800-282-9378.

Also your original spill response plan included language addressing bulk material tracked from the building. (All mobile equipment must be brushed and swept free from material prior to leaving the building. In the event tracking is discovered, it will be responded to as a spill and cleaned immediately upon discovery. Written reports are mandatory for all spill events.) I don't see this language included in your revised plan. Please include it.

MAPLE HTS.
AGMET METALS, INC., ~~OAKWOOD CEI~~
AUGUST 18, 2010
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Please provide the requested return to compliance documentation for the above violations within 30 days of the date of this letter. Also please address the above concerns in your response letter, confirming what actions have been taken.

Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP) provides compliance and pollution prevention assistance on environmental issues related to air, land and water. OCAPP operates confidentially. Information obtained by that office is not shared with Ohio EPA inspection or enforcement staff. They can be contacted at 800-329-7518 or <http://www.epa.ohio.gov/ocapp>.

If you have any questions related to this letter, feel free to call me at (330) 963-1226.

Sincerely



Sheryl K. Slone, P.E.
Environmental Engineer
Division of Hazardous Waste Management

SKS:ddw

ec: Natalie Oryshkewych, DHWM, NEDO
Karen Hale, DHWM, CO
Nyall McKenna, DHWM, NEDO
Harry Sarvis, DHWM, CO
Kris Coder, DHWM, NEDO

NOTICE:

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