



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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December 5, 2007

RE: AGMET METALS, INC.
OHD986976348
VARIANCE CEI – NOV2

Dana Cassidy, President
Agmet Metals, Inc.
7800 Medusa Street
Oakwood Village, OH 44146

Certified Mail

Dear Mr. Cassidy:

On August 27, 2007, we received your response letter dated August 23, 2007, to our July 25, 2007 notice of violation. Some pictures, a blank inspection form, a manifest, some analytical information, and sign-in sheets were submitted with your letter.

The following violations appear to have been adequately addressed.

Lamp Management – OAC 3745-273-13(D)(1)
Used Oil Labeling – OAC 3745-279-22(C)

The following violations remain.

1. Labeling and Dating Hazardous Waste Containers – OAC 3745-52-34(A)

You indicate the plastic and nylon will be inspected to remove entrapped variance material thereby keeping it from being stored illegally in the Waste Management box. Your response is unclear on when and how the F006 and/or plastic material would be sent to the Maple Heights facility. Please explain further.

During Ohio EPA's hazardous waste compliance evaluation inspection in June of 2005 Agmet was cited in violation of this rule for a similar situation with F006 waste found in a trash box. Your response at that time indicated that additional training, inspections and supervision would ensure future compliance. (See attachments 1-4 of your September 15, 2005 response.) That apparently didn't work. Please explain what additional or different protocol will be instituted to prevent further violations.

2. Open Hazardous Waste Container – OAC 3745-66-73

See violation #1, for abatement requirements.

3. Unpermitted Treatment/Storage/Transportation/Disposal–ORC 3734.02(E)&(F)

a.) **F006 filter cake tracked or released to numerous parts of the facility.**

Your response indicates all of the stray material was cleaned up to a visual standard. Condition 2.o. requires a written spill response report for every spill and clean up. Please submit a copy of the spill reports for each of the at least 12 areas where F006 filter cake was tracked or released to areas outside of the bulk storage building.

b.) D002 hazardous wastes stored before transporting to Envirite.

You indicate totes 1X through 4X and 17X and 18X contained a nickel bearing solution that was sent to Envirite to be processed and the resulting nickel bearing sludge from this process was sent back to Agmet for processing in the bulk storage building and reclamation. Your test results show that the pH on these totes was 0.0, 0.0, 0.86, 0.0, 1.84, and 1.17 respectively. The wastes in the totes as received at Agmet were characteristically hazardous. At least two of these totes had red dots. Al Spizak told us during the inspection that the totes with red dots had been there about 6 months. By accepting and storing these wastes prior to sending them to Envirite, Agmet illegally stored hazardous waste. Agmet is only allowed to store Variance Material, not hazardous nickel solutions, under its variance.

To document that the sludge coming back from Envirite meets the definition of Variance Material and is not a characteristic hazardous waste, Agmet needs to document what processes generated each of these nickel bearing solution wastes and provide TCLP data on the sludge received from Envirite if it is not F006 sludge.

To prevent further illegal storage violations, Agmet needs to develop a procedure for tracking all material brought into the facility. Information tracked should include a material description (liquid/sludge, pH, metals, process generating the material, etc.), generator, quantity, date received, container #, and disposition. Please submit a copy of this written tracking procedure.

c.) Illegal storage of electroless nickel solution in the bulk storage building.

You indicate totes 5X through 13X contained used non-hazardous electroless nickel solution and were emptied into the BSB and then processed in your calciner. The pH of at least one of these totes was listed as 0.0. That would make it hazardous for corrosivity. Agmet is only allowed to store F006 sludge under its variance, not hazardous nickel solutions. Therefore Agmet conducted illegal storage of a hazardous waste in the BSB.

To prevent further illegal storage violations, Agmet needs to develop a procedure for tracking all material brought into the facility. Information tracked should include a material description (liquid/sludge, pH, metals, process generating the material, etc.), generator, quantity, date received, container #, and disposition. Please submit a copy of this written tracking procedure.

Since Agmet violated ORC 3734.02(E)&(F), Agmet is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Additionally, at any time Ohio EPA may assert its right to have Agmet begin facility-wide cleanup pursuant to the corrective action process under Ohio law.

5. Variance Condition 2. – Construct, Operate and Maintain Equipment

Your response indicates building modifications, employee training, and cleaning of the outside conveyor after each time it is used as back-up for the inside conveyor will insure future compliance. Please submit the documentation requested for violation # 8, to document training related to the proper operation and maintenance of equipment has been completed by the appropriate employees.

6. Variance Condition 2.m. - Control Tracking of Variance Material from Bulk Storage Building

Your response indicates building modifications, employee training, and cleaning of the outside conveyor after each time it is used as a back-up for the inside conveyor, will insure future compliance. Please submit the documentation requested below for violation # 8, to document training related to the control of tracking of variance material from the BSB has been completed by the appropriate employees.

7. Variance Condition 2.o. – Implementation of Spill Response Plan and Documentation of All Spills and Variance Condition 2.p. – Inspections Conducted and Recorded

Exhibit V of the variance application, Spill Response Plan, requires all mobile and transport equipment to be clean prior to leaving the BSB and any tracking out of the building responded to as a spill and reported. Also your variance application states facility inspections are conducted and recorded twice weekly and inspections of storage, shipping, receiving and production areas are performed daily.

As indicated in our July 25th letter to you, we noted at least 7 areas where variance material had been tracked outside of the BSB and no reports were on file. Also no notations of these spills were made on inspection forms. In addition there were at least 5 other areas where variance material was found outside of the BSB and no spill reports or notes on the inspection forms to that effect were found. Please submit a copy of the spill reports for each of the at least 12 areas where F006 filter cake was tracked or released to areas outside of the bulk storage building.

Your response indicates training and Mr. Warren performing inspection audits will insure future compliance. Please submit the last two weeks of completed inspections to help document compliance with the inspection requirements. Also submit documentation of training related to implementation of spill response, documentation of spills, and documentation of inspections has been completed by the appropriate personnel.

8. Variance Condition 2.q. - Training

Your response indicates all of the current employees at the facility received refresher training on spill response on June 20 and July 20, 2007. The variance also requires annual training on facility inspections, variance material handling, variance material specifications and emergency response in addition to spill response training. Please document that these other topics have been covered with the employees within the last 12 months.

A total of 19 employees signed attendance sheets for the June 20 and July 20, 2007 spill response training. The spill response plan that Mr. Warren gave us during our inspection states the Oakwood facility employs an average of 50 workers. This plan indicates it was last revised 5/9/07. Please explain the discrepancy in the number of employees.

It was observed Andrew Adametz signed manifests for Agmet in May 2007, however his name does not appear on the training sign-in sheets. Please document that he has received all of the required training within the last 12 months.

To document compliance with this condition, please submit an up-to-date list of employees with the dates they received training on each of the required topics. This documentation is required to be kept for at least 3 years.

9. Variance Condition 2.t. – Manage and Clean-up Spills of Variance Material

Your response indicates all of the stray material was cleaned up to a visual standard. Written spill response reports are required for every clean up. (See Condition 2.o. and Spill Response Plan.) Please submit a copy of the spill reports for each of the at least 12 areas where F006 filter cake was tracked or released to areas outside of the BSB.

10. Variance Condition 2.u. – Maintain Equipment in Good Working Order

Your response indicates building modifications, employee training, and cleaning of the outside conveyor after each time it is used as a back-up for the inside conveyor, will insure future compliance. Please submit the documentation requested for violation # 8, to document training related to the proper maintenance of equipment has been completed by the appropriate employees.

11. Variance Condition 2.v. – Manage Unusable Residues as F006

Your response indicates all of the stray material was cleaned up to a visual standard. Written spill response reports are required for every clean up. Please submit a copy of the spill reports for each of the at least 12 areas where F006 filter cake was tracked or released to areas outside of the bulk storage building.

Also your response indicates building modifications, employee training, and cleaning of the outside conveyor after each time it is used as a back-up for the inside conveyor, will insure future compliance. Submit training records for violation #8 that document training related to the proper management of variance material and spill response have been completed by the appropriate employees.

The following concern is noted.

1. Missing Sample Results

Your response states, "All totes have been sampled." No sample results were submitted for totes 5X, 23X and 24X. Please submit those results immediately.

Please submit all of the documentation requested above for each violation to this office within 30 days of the date of this letter. If you have any questions, feel free to call me at (330) 963-1226.

Sincerely,



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

SKS:ddw

cc: Karen Hale, DHWM, CO
Frances Kovak, Legal, CO
Natalie Oryshkewych, DHWM, NEDO