



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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November 19, 2008

RE: AGMET METALS, INC.
OHD986976348
VARIANCE CEI
PRTC/NOV3

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

CERTIFIED MAIL

Dear Mr. Cassidy:

On January 7, 2008, we received your response letter dated January 4, 2008, to our December 5, 2007 notice of violation. Pictures, inspection logs, a manifest, analytical information, spill response report forms, memos, and sign-in sheets were submitted with your letter.

The following violations appear to have been adequately addressed:

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

We understand the condition of Waste Management trash boxes will be inspected and approved daily by the Shipping and Receiving Supervisor. An inspection report will be kept on file in the office.

Open Hazardous Waste Container – OAC 3745-66-73

The same abatement measures as for the above violation have been taken.

The following violations remain:

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

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

See abatement measures required for violations 3, 4, 6, and 8.

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

You indicate the low pH acidic wastes that were stored on-site during our inspection and then subsequently sent to Envirite in totes 1X through 4X and 17X and 18X, were not hazardous wastes under the provisions of OAC 3745-51-02(C)(3). You state they were by-products exhibiting a hazardous waste characteristic or other exempt material going for reclamation. Further you indicate only materials meeting these provisions are accepted at Agmet.

In order to substantiate your claim that the acidic materials are exempt and according to OAC rule 3745-51-02(F), you need to submit a detailed description of the specific process(es) that generated the acidic material in each of the totes and provide the name and address for each of the generators of the acidic materials.

Also you indicate Envirite treats hazardous waste directly from Agmet customers as well as exempt materials from Agmet and returns the resulting hydroxide material to Agmet as F006. To substantiate that all the material coming from Envirite is only F006 and no other listed hazardous waste, Agmet needs to submit copies of the hazardous waste manifests received from Envirite during 2007.

Under OAC 3745-51-02(C)(4), exempt hazardous materials cannot be accumulated speculatively. To document that Agmet did not speculatively accumulate materials, you need to submit records of the total amount of each exempt material being stored at the facility on January 1, 2007, the amount of each material received during 2007, how and where each material was recycled, and the amount of each type of material being stored at the facility on December 31, 2007.

In your January 4, 2008 letter, you described the materials tracking system that Agmet implemented to document incoming and outgoing materials. In addition to the tracking information described, a description of the process that generated the material needs to be recorded and kept in Agmet's files. Knowing this information is essential in determining whether a hazardous waste is exempt when recycled, and is required under OAC rule 3745-51-02(F). Also keeping track of the quantity and date the material was received and then the date and quantity of the material recycled and where it was recycled will be essential in documenting that material is not accumulated speculatively.

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

You were unable to identify the origin of the material in tote 12X but indicate the acid solution was not accepted with the intent of calcining. You feel it is an exempt waste under the provisions of OAC 3745-51-02(C)(3). Under OAC 3745-51-02(F) to document this exemption claim, you need to provide a detailed description of the specific process(es) that generated the acidic material in tote 12X.

Again exempt hazardous materials cannot be accumulated speculatively. Please submit and maintain similar documentation for this material as described above in violation 1.b. to document that it is an exempt hazardous waste and that it is not accumulated speculatively.

2. **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 ensure future compliance. Please see violation #5, for documentation of training needed.

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

Your response indicates building modifications, the addition of boot cleaners, employee training, and the cleaning of the outside conveyor after each time it is used as a back-up for the inside conveyor, will ensure future compliance. Please see violation #5, for documentation of training needed.

4. **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. Your response included spill reports for the areas of spilled or tracked material noted during our June inspection; however the reports did not include all of the information listed as required in Exhibit V. A "Release of Material Report" was included in Exhibit V of your Spill Response Plan in your variance application for this purpose. Your response included spill reports on a different form. The form submitted did not include a statement if the spilled material left the property, possible hazards to humans or the environment, plans for prevention, and persons or agencies notified (the shift foreman must provide a copy to the Supervisor and Safety Office at a minimum). A written "Release of Material Report" is required for every clean up. (See Condition 2.o. and Spill Response Plan.).

Please submit complete reports with all of the information outlined in Exhibit V of your Spill Response Plan

Your variance application states facility inspections are conducted and recorded twice weekly and inspections of storage, shipping, receiving and production areas are performed daily. An inspection form was included in Exhibit W of the variance application for the Oakwood facility for this purpose. Your response included inspection logs for two weeks in December on a different form. We have the following comments on the submitted form:

- Please provide a facility map that shows where each of the listed areas on the submitted form are.
- On page 2 at the end of the BSB section is 'north entrance' and 'south entrance'. Should there be a 'clean – yes /no' indication for these entrances?
- In what way does 'Pavement Condition' relate to 'Material Tracking front of BSB'?
- Is the 'front' of the BSB the east side?
- Should there be a 'yes/no' indication for 'Material Tracking front of BSB'?
- When the 'Waste Management Box No.' is left blank does that mean there is no box present or does that mean it was not inspected?
- The inspection on 12/11/07 has a blank box number yet indicates it is 'clean' of variance material.
- The inspection on 12/6/07 indicates in one place that the feed area is clean yet in another indicates it needs attention.
- The inspection on 12/6/07 indicates in one place that all four directions outside of the BSB are clean yet in another indicates sweeping is needed.
- The inspection on 12/13/07 indicates south of the BSB and the 'long feed area' is not clean. Also 'attention is required' in the containment area. The comments indicate 'water and material on ground at front dropout'. Where is that? The other comment is 'back of kiln concrete material on concrete'. What does that mean?

If you wish to use a different form than that in the variance, the information must be clear and include all of the information from the approved form. Please submit 2 weeks of completed inspections demonstrating they are clear and complete.

Please see violation #5 for documentation of training needed to show those conducting facility inspections have been appropriately trained.

5. **Variance Condition 2.q. - Training**

You have provided sign-in sheets indicating 19 plant employees at the Oakwood facility received spill response training on June 20 and July 20, 2007. You submitted a sign-in sheet indicating 19 plant employees received spill response training that included variance material handling on September 10, 2007. The topics required to be covered by Condition 2.q. include spill response, facility inspections, variance material handling, variance material specifications and emergency response. Please provide sign-in sheets to document training within the last 12 months has been completed by all appropriate employees for all subjects under Condition 2.q

Further, in response to other violations (Condition 2., Conditions 2.m., 2.o., 2.u., and 2.p.), provide sign-in sheets to document employees have been trained in proper operation and maintenance of equipment (including the conveyors) to prevent or immediately address the release of variance material, in methods to prevent tracking and drag out of variance material, and in inspections and documentation of those inspections.

To ensure future compliance with training conditions, please keep an up-to-date list of employees with the dates they received training in each of the five required topics. Please submit a copy of this list.

6. **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. A "Release of Material Report" was included in Exhibit V of your Spill Response Plan in your variance application for this purpose. Your response included incomplete spill reports for the areas of spilled or tracked material noted during our June inspection on a different form. The form submitted did not include a statement if the spilled material left the property, possible hazards to humans or the environment, plans for prevention, and persons or agencies notified (the shift foreman must provide a copy to the Supervisor and Safety Office at a minimum). A written "Release of Material Report" is required for every clean up. (See Condition 2.o. and Spill Response Plan.). Please submit complete reports with all of the information outlined in Exhibit V of your Spill Response Plan.

7. **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 ensure future compliance. Please submit the documentation requested for violation #5, to document training related to the proper maintenance of equipment has been completed by the appropriate employees.

8. **Variance Condition 2.v. – Manage Unusable Residues as F006**

Your response included incomplete spill reports for the areas of spilled or tracked material noted during our June inspection. A written "Release of Material Report" is required for every clean up. Please submit complete reports with all of the information outlined in Exhibit V of your Spill Response Plan.

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 ensure future compliance. Please see violation #5, for training documentation needed.

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

ec: Karen Hale, DHWM, CO
Frances Kovak, Legal, CO
John Schierberl, DHWM, CO
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NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.