



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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February 11, 2009

RE: AGMET METALS, INC.
OHD986976348
VARIANCE CEI
PRTC/NOV4

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

CERTIFIED MAIL

Dear Mr. Cassidy:

On January 6, 2009, we received your response letter dated January 5, 2009, to our November 19, 2008 notice of violation. Pictures, inspection reports, manifests, spill response report forms, a facility map, memos, and sign-in sheets were submitted with your letter.

The following violation appears to have been adequately addressed:

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

Your response indicates training on equipment maintenance (Attachment 31) was included as part of the variance material handling training (Attachment 33) on April 9, 2008. Your training matrix indicates all current employees have completed this training.

The following describes the status of the remaining cited violations:

1. **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 five required training topics (spill response, facility inspections, variance material handling, variance material specifications, emergency response) were covered in your April 9, 2008 training program. However, the training matrix (attachments 43a & 43b) indicates employee #28 did not have facility inspection training, employees # 1-6, 8, 9, 14, 17, 21, and 23-28 did not have variance material specifications training, and employees # 1-4, 9, 10, 14, 17, 21, and 23-28 did not have emergency response training.

Please complete the matrix and keep it up to date to document compliance with your training requirements for future audits. No additional response is required at this time.

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

Your January 4, 2008 response indicates you have started identifying incoming containers with lot numbers and labeling all containers with their contents. Also you are keeping logs of all incoming material by lot numbers, with the customer name, material description, color, odor and pH. To be able to document that the incoming materials are exempt under OAC rule 3745-51-02(C)(3) and that they are not being accumulated speculatively, your January 5, 2009 response indicates you will also record the process description for the received materials, along with the date, quantity and final destination of the recycled materials.

No additional response is required at this time.

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). Your responses indicate you will 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.

No additional response is required at this time.

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

Your response indicates all five required training topics (spill response, facility inspections, variance material handling, variance material specifications, emergency response) were covered in your April 9, 2008 training program. However, the training matrix (attachments 43a & 43b) indicates employee #28 did not have facility inspection training, employees # 1-6, 8, 9, 14, 17, 21, and 23-28 did not have variance material specifications training, and employees # 1-4, 9, 10, 14, 17, 21, and 23-28 did not have emergency response training.

Please complete the matrix and keep it up to date to document compliance with your training requirements for future audits. No additional response is required at this time.

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

Your response indicates all five required training topics (spill response, facility inspections, variance material handling, variance material specifications, emergency response) were covered in your April 9, 2008 training program. However, the training matrix (attachments 43a & 43b) indicates employee #28 did not have facility inspection training, employees # 1-6, 8, 9, 14, 17, 21, and 23-28 did not have variance material specifications training, and employees # 1-4, 9, 10, 14, 17, 21, and 23-28 did not have emergency response training.

Please complete the matrix and keep it up to date to document compliance with your training requirements for future audits. No additional response is required at this time.

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 - Outline of Report Information Required" was included in Exhibit V of your Spill Response Plan in your variance application for this purpose. While we agree a different form may be used to report the spill information, the minimum information supplied in the report should include all that is outlined in the "Release of Material Report – Outline of Report Information Required". The reports 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).

Please submit complete reports with all of the information outlined in Exhibit V of your Spill Response Plan "Release of Material Report – Outline of Report Information Required".

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 previous response included inspection logs for two weeks in December on a different form that raised many questions. We requested in our last letter that you submit two weeks of recently completed inspections demonstrating they are now clear and complete. None were submitted. Again if you wish to use a different form than that in the variance, the information must be clear and contain all of the information from the application form. Please submit 2 recent weeks of completed daily inspections of the storage, shipping, receiving, and production areas and 2 weeks of twice weekly facility inspections demonstrating they are clear and complete. Attachment 42 states daily facility inspections will be recorded on the out-going shift report. Perhaps this report could suffice as the daily inspection report required by Condition 2.p., if it contains all of the needed information.

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

Your response indicates all five required training topics (spill response, facility inspections, variance material handling, variance material specifications, emergency response) were covered in your April 9, 2008 training program. However, the training matrix (attachments 43a & 43b) indicates employee #28 did not have facility inspection training, employees # 1-6, 8, 9, 14, 17, 21, and 23-28 did not have variance material specifications training, and employees # 1-4, 9, 10, 14, 17, 21, and 23-28 did not have emergency response training.

Please complete the matrix and keep it up to date to document compliance with your training requirements for future audits. No additional response is required at this time.

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. 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 - Outline of Report Information Required" was included in Exhibit V of your Spill Response Plan in your variance application for this purpose. While we agree a different form may be used to report the spill information, the minimum information supplied in the report should include all that is outlined in the "Release of Material Report – Outline of Report Information Required". The reports 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). Please submit complete reports with all of the information outlined in Exhibit V of your Spill Response Plan "Release of Material Report – Outline of Report Information Required".

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

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 - Outline of Report Information Required" was included in Exhibit V of your Spill Response Plan in your variance application for this purpose. While we agree a different form may be used to report the spill information, the minimum information supplied in the report should include all that is outlined in the "Release of Material Report – Outline of Report Information Required". The reports 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). Please submit complete reports with all of the information outlined in Exhibit V of your Spill Response Plan "Release of Material Report – Outline of Report Information Required".

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
Nyall McKenna, DHWM, NEDO
Kelly Smith, DHWM, CO

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.