



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 11, 2011

**RE: AGMET METALS, INC.
OAKWOOD VILLAGE
CUYAHOGA COUNTY
OHD986976348
VARIANCE COMPLIANCE
INSPECTION
NOV – PRTC**

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

Dear Mr. Cassidy:

On June 6, 2011, Nyal McKenna and I inspected the Agmet Oakwood 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. We met briefly with you and then Rajesh Shah, John Spitzer and Fred Warren 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 Maple Heights. 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 Agmet facilities operate with a variance from classification as a waste, granted by Ohio EPA on December 22, 2005. The variance allows this facility to accept dewatered sludge from the treatment of electroplating wastewaters (metal bearing solid wastes from the plating industry that would otherwise be considered an F006 waste) without a hazardous waste permit. This material is referred to as Variance Material. Incoming Variance Material is placed directly into the Bulk Storage Building (BSB). From there it is blended with catalysts and fed into the calciner yielding Metal Concentrate. The Metal Concentrate product is shipped out in super sacks or bulk to China and Canada.

We understand all of the catalyst material is non-hazardous. Site storm water is collected in totes and utilized for quenching/cooling purposes on site. 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. Used oil generated in the maintenance shop and from the kiln gears is containerized, and reused to lubricate shaft bearings in the plant.

The following violations were noted.

1. **Variance Condition 2.a. and ORC 3734.02(E) and (F)**

By accepting F006 contaminated filters at this site, Agmet has violated the condition of the variance that states, "Applicant shall only Accept at the Facilities for reclamation, Variance Material or Metal Concentrate Variance Material..." Variance Material is defined as "metal hydroxide bearing **filtercake** generated from the dewatering of sludges generated from the treatment of wastewater from electroplating operations ..." Further by storing three roll-offs of F006 contaminated filters on site as well as accumulating piles of F006 contaminated filters in the bulk storage building (BSB), Agmet has stored a hazardous waste without a permit.

We understand the filters are accepted mixed in with F006 sludge. Previously, incidental filters were fed into the calciner with the sludge but they were often causing clogging problems. So the current practice is to pull the filters out of the sludge inside the BSB, and then place the filters in roll-offs which are stored outside. These roll-offs of F006 filters are manifested to your Maple Heights facility where they are shredded and then manifested back to Oakwood to be calcined. We further understand you are planning to install a blender inside the BSB at Maple Heights so the filters could be shredded on site and mixed with the sludge.

You must immediately cease accepting F006 contaminated filters as these are a hazardous waste for which you do not have a permit to manage. F006 contaminated filters already accumulated at this site must be immediately manifested off site to a properly permitted hazardous waste facility. Shredding of F006 contaminated filters would be considered treatment of a hazardous waste for which you do not have a permit.

Since Agmet violated ORC 3734.02(E) & (F), Agmet is subject to all applicable general facility standards found in OAC 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.

Please respond with a description of how you have returned to compliance with this Variance Condition and this law within 30 days of the date of this letter.

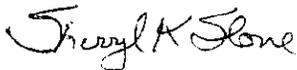
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2. Variance Condition 2.g.

This condition requires that all specified training be completed by the specified employees once within every 12 months and be documented. Documentation was not available for two employees, Willie Warren and Edgar Grant, showing that they have had module 4 training since April 2010. Via e-mail from Fred Warren on June 8, 2011, we received documentation that these two employees have now received training module 4, returning your facility to compliance with this requirement. No further action regarding this violation is needed at this time.

We look forward to your response. A copy of the inspection checklist completed concerning universal wastes is attached. 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/cl
Enclosure

ec: Natalie Oryshkewych, DMWM, NEDO
Nyall McKenna, DMWM, NEDO
Marlene Kinney, DMWM, NEDO
Jeff Mayhugh, DMWM, CO
Karen Hale, DMWM, 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

Ohio Environmental Protection Agency

For Ohio EPA use only

RCRA SUBTITLE C SITE

IDENTIFICATION/VERIFICATION FORM

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No. EPA ID Number: OH0986976348

Site Name Name: AGMET METALS, INC. Website: agmet1.com
(Optional)

Site Location Information Street Address: 7800 MEDUSA ST.
City, Town, or Village: OKWOOD State: OH
County Name: CUYAHOGA Zip Code: 44146

Site Land Type (check only one)
Private County District Federal Indian Municipal State Other

NAICS code(s)
www.census.gov/epcd/www/naics.html

Facility Representative First Name: DANA MI: J Last Name: CASSIDY
Title: President & CEO

Additional names can be recorded in number 12
Phone Number: 440.439.7400 Phone Number Extension:
E-Mail Address: dcassidy@agmet1.com
Only provide address information if it is different than the site address
Fax Number: 440.439.7446 Fax Number Extension:
Street or P.O. Box:
City, Town or Village:
State: Zip Code:

Legal Owner And Operator of the Site. Name of Site's Legal Owner: 51% Agmet Metals Inc
List Additional Owners and/or Operators in the Comment Section or on another copy of this form page
Owner Type: 59% Glensore Ltd Private County District Federal Indian Municipal State Other
Street or P.O. Box:
City, Town or Village: Owner Phone #:
State: Country: Zip Code:
Name of Site's Operator: Steve Jones Date Became Operator (mm/dd/yyyy): 01/2009
Operator Type: Private County District Federal Indian Municipal State Other
Street or P.O. Box:
City, Town or Village: Operator Phone #:
State: Country: Zip Code:

VIOLATIONS CITED? Yes No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

Not a HW Generator (ONLY UNIV. W.) UNKNOWN: Cited for violation of 3745-52-11 Large Quantity Generator (LQG)

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. Small Quantity Generator (SQG)

Conditionally Exempt Small Quantity Generator U.S. Importer of Hazardous Waste 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 RCRA Info 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 Additional Facility Representatives:

Tanks Yes No

Containers Yes No

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
SHERY SLOVE	NYALL MCKENNA	06/06/2011

Comments:
THIS FACILITY OPERATES UNDER AN OHIO VARIANCE.
GENERATES ONLY UNIVERSAL WASTES.

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

No batteries during inspection

- | | | |
|----|--|--|
| 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
|-----|--|--|

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"/>
<i>NOTE: Accumulation is defined as date generated or date received from another handler.</i>		
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>date on box plus shipping papers</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 checked="" 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		
<i>NOTE: If a SQUWH self-transportes waste, then the handler must comply with the Universal Waste transporter requirements.</i>		
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? If no, make aware of 49 CFR 171-180.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 checked="" 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 checked="" 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 checked="" type="checkbox"/> N/A <input 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 checked="" 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 checked="" 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"/>