



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 15 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Michael Agin
Chief Executive Officer
Agmet LLC
7800 Medusa Street
Oakwood Village, Ohio 44146

Re: Notice of Violation
Agmet LLC
Oakwood Village, Ohio

Dear Mr. Agin,

As you know, Agmet LLC (Agmet) has been the suspected source of several odor complaints. Such complaints were made by residents who live near the Agmet facility. Consequently, on December 16, 2013, U.S. Environmental Protection Agency conducted an inspection of the Agmet facility. Based on this inspection, EPA determined that the odor complaints may be due to emissions emanating from the feed end of Agmet's rotary calciner. On March 31, 2014, EPA followed up on this inspection by issuing a Request for Information (RFI) to Agmet as it pertains to the operation of its rotary calciner. Agmet partially responded to the Agency's RFI with a written response on April 24, 2014 and, since the issuance of the RFI, engaged in a number of teleconferences with the Agency.

At this time, it is our understanding that Agmet is prepared to modify the design of its rotary calciner in an effort to resolve the above-mentioned odor complaints. Such modification would essentially comprise the installation of hatch covers at the feed end of the rotary calciner. On June 5, 2014, Agmet provided preliminary drawings of the hatch covers. We have reviewed these drawings and believe that the proposed modification may be acceptable. We need to formalize an agreement to install the hatch covers. As a procedural matter, we must first issue a notice of violation (NOV).

EPA is issuing the enclosed NOV to Agmet under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Ohio State Implementation Plan (SIP) at your Oakwood Village, Ohio, facility by not using the best available technology to control particulate matter and volatile organic compounds from two openings in the short feed to Agmet's Rotary Calciner.

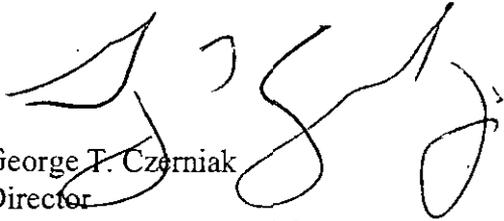
Section 113 of the Clean Air Act gives EPA several enforcement options. These options include issuing an administrative compliance order (ACO), issuing an administrative penalty order, and bringing a judicial civil or criminal action. Accordingly, EPA is enclosing with the NOV a proposed ACO by which Agmet may expeditiously resolve the NOV and close out the existing RFI. The ACO provides that Agmet will install the hatch covers no later than 45 days of the effective date of the ACO; conduct performance tests for particulate matter and volatile organic compounds at the outlet of the baghouse on the rotary calciner; and apply for a modification of its PTIO to include a special term and condition that requires Agmet to keep the covers closed when the kiln is in operation.

EPA is offering you an opportunity to confer with us about the violations alleged in the NOV and the terms contained in the proposed ACO. Among other things, the conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charles Hall. You may contact him by telephone at (312) 353-3443 or by e-mail at hall.charles@epa.gov if you have any questions regarding the enclosed NOV or ACO, or if you wish to request a conference to discuss the NOV. You should make the request of Mr. Hall within 30 calendar days following receipt of this letter. We will hold the conference promptly after your request.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Ohio Environmental Protection Agency
George Baker, Cleveland Department of Public Health, Division of Air Quality
Lawrence Maline, Cleveland Department of Public Health, Division of Air Quality
David E. Nash, Attorney for Agmet LLC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:) NOTICE OF VIOLATION
)
Agmet LLC) EPA-5-14-OH-16
Oakwood Village, Ohio)
)
Proceedings Pursuant to)
the Clean Air Act, 42 U.S.C. §§ 7401 et seq.)

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Agmet LLC is violating the Ohio State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On January 22, 2003, EPA approved revisions to Ohio Administrative Code (OAC) 3745-31-05 as part of the federally enforceable SIP for Ohio. 68 Fed. Reg. 2909.
2. The SIP at OAC 3745-31-05(A)(3) requires the director of the Ohio Environmental Protection Agency (Ohio EPA) to issue a permit to install [and operate] (PTIO) if he/she determines that the installation or modification and operation of the air contaminant source will employ the best available technology.
3. Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan, regulation, or permit.
4. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP, is a requirement of the SIP, and is federally enforceable under Section 113 of the CAA, 42 U.S.C. § 7413.

Agmet's Facility

5. Agmet owns and operates Ohio EPA Source Number 1318407499 P001 (hereinafter, P001 or the rotary calciner) at 7800 Medusa Street, Oakwood Village, Ohio. P001 is a 6-ton per hour, 30-million British thermal unit per hour, natural gas-fired, rotary, co-current, calciner with an afterburner, quench tower and an 18,000-actual foot per minute baghouse.
6. On March 7, 2012, the Ohio EPA issued a PTIO, permit number P0109615, to Agmet.

7. Section C.1a)(1) of the PTIO does not identify any terms and conditions that are not federally enforceable for the purpose of a permit-to-install.
8. Section C.1a)(2) of the PTIO does not identify any terms and conditions that are not federally enforceable for the purpose of a permit-to-operate.
9. Section C.1c)(2) of the PTIO states: "The emissions generated by this emissions unit, the rotary calciner, shall be controlled by an afterburner, a quench tower and [an] 18,000 [actual cubic foot per minute] baghouse in series."
10. P001 generates emissions of particulate matter and volatile organic compounds. Emissions from P001 are subject to the best available technology requirements in the Ohio SIP at OAC 3745-31-05(A)(3).

Violations

11. Raw material is moved from storage to the rotary calciner via two conveyances, or feeds. A long feed moves raw material from a storage building to the short feed. The short feed moves the raw material into the rotary calciner.
12. The short feed has two openings to the atmosphere. Each opening is approximately 33 inches by 26.5 inches.
13. On November 6, 2013, EPA received a complaint from a private citizen regarding odors emanating from Agmet's facility.
14. On December 16, 2013, an EPA inspector observed that the two openings in the short feed allow emissions from P001 to escape to the atmosphere without being controlled by the afterburner, quench tower, and baghouse.
15. Agmet's failure to capture and control these emissions constitutes a violation of Section C.1c)(2) of the PTIO.
16. Agmet's compliance with Section C.1c)(2) of the PTIO is required under the SIP and EPA may enforce Section C.1c)(2) of the PTIO under Section 113 of the CAA, 42 U.S.C. §7413.

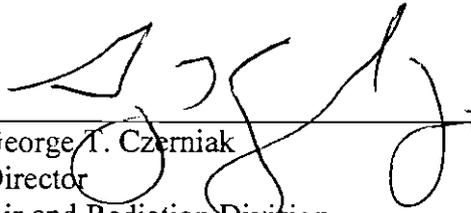
Environmental Impact of Violations

17. These violations have caused, or can cause, excess emissions of volatile organic compounds which are precursors of ozone and particulate matter.
18. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

19. Particulate matter, especially fine particulates, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to, among other things, irritation of the airways, coughing, difficulty breathing, decreased lung function, and aggravated asthma.

9/15/14

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-OH-16, by Certified Mail, Return Receipt Requested, to:

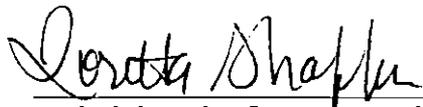
Michael Agin
Chief Executive Officer
Agmet LLC
7800 Medusa Street
Oakwood Village, Ohio 44146

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

George Baker, Commissioner
Cleveland Department of Public Health, Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114

on the 16 day of September 2014



Administrative Program Assistant

Certified Mail Receipt Number: 7001 0320 0006 0185 9815