Ohio Environmental Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

October 16, 2018

CERTIFIED MAIL

Michael Agin
President
Agmet LLC
7800 Medusa Road
Oakwood Village, Ohio 44146

Re: Final Findings and Orders for air pollution violations

Dear Mr. Agin,

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

James Kavalec, Manager
Compliance/Enforcement Section
Division of Air Pollution Control

ec: Drew Bergman, Legal
Muhammad Mereb, DAPC
Valencia White/Linda Kimmy, CDAQ
Brandon Schwendeman, DAPC
Lee Tullis, DAPC
James Lee, PIC

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Agmet LLC	:	**Director's Final Findings**
7800 Medusa Street	:	**and Orders**
Oakwood Village, Ohio 44146	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Agmet LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings. Nothing in these findings of the Director shall be considered to be an admission by Respondent of any matter of law or fact.

1. Respondent owns and operates a facility that recycles metal containing by-products, filter cakes, and sludge generated by other companies in various industries (surface plating, alloy manufacturing, fat and oil production, etc.). The facility is located at 7800 Medusa Street, Oakwood Village, Cuyahoga County, Ohio (facility ID: 1318407499) ("the Facility"). The Facility is a non-Title V source.

2. Emissions unit ("EU") P001 (Rotary Calcining Kiln and Carbonizer), F001 (incoming and processed material storage), and F002 (handling, conveying, bagging, and loadout) at the Facility are the subject of these Orders and are subject to Ohio EPA rules and regulations. These emissions units emit, among other pollutants, particulates and/or volatile organic compounds ("VOCs"). EU P001 is subject to PTIO P0119242 effective October 5, 2015, and its control system consists of an afterburner, a quench tower and a baghouse in series.

3. Ohio Administrative Code ("OAC") rule 3745-15-07 states, "(A) The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance. (B) The emission or escape into the open air from any source or sources of odors whatsoever that is subject to regulation under Chapter 3745-17, 3745-18, 3745-21, or 3745-31 of the Administrative Code and is operated in such a manner to emit such amounts of odor as to endanger the health, safety, or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

4. ORC § 3704.05(C) prohibits any person who is a holder of a permit issued by the Director of Ohio EPA pursuant to ORC § 3704.03 from violating any of its terms and conditions.

5. ORC § 3704.05(G) prohibits a person from violating any order, rule, or determination of the Director that was issued, adopted, or made under ORC Chapter 3704.

6. Cleveland Division of Air Quality ("CDAQ") is the contractual representative for Ohio EPA in air quality matters within Cuyahoga County.

7. On February 8, 2017, Ohio EPA entered into agreed Orders with Respondent to address odor complaints at the Facility. Respondent has complied with the 2017 Orders, including installation of an odor control system and implementation of a written Complaint and Response Plan including a complaint hotline.

8. CDAQ continued to receive numerous citizen complaints concerning odors from the Facility. On several occasions, CDAQ has verified odors in the vicinity of the Facility. The following tables summarize the number of complaints received and conducted by CDAQ since January 2017, by month:

Month	Number of Complaints
01/ 2017	4
02/ 2017	5
03/ 2017	2
05/ 2017	4
06/ 2017	3
07/ 2017	2
08/ 2017	7
09/2017	5
10/2017	5
11/2017	9
12/ 2017	6
01/ 2018	17
02/ 2018	7
03/2018	4
04/2018	2
05/2018	2
06/2018	9
07/2018	2
Total	**95**

9. It is the Director's position that during several incidents since January 2017, Respondent caused, permitted, or maintained a public nuisance in the neighborhood surrounding the Facility as a result of the odors generated by the Facility, in violation of OAC Rule 3745-15-07 and ORC § 3704.05(G). Respondent neither agrees nor disagrees with the Director's position. Respondent notes, however, that the neighborhood in question is composed of a mix of other industrial sources of contaminants and residential structures.

10. In January 2017, Ohio EPA began operating two monitors in the Facility's vicinity. The "Airgas" monitor is located at 7600 Oak Leaf Road, Bedford, Ohio (AQS designation: 39-035-0074) and the "Belle Tire" monitor is located at 295 Oak Leaf Oval, Bedford, Ohio (AQS designation: 39-035-0075). Samples are collected every sixth day, according to the U.S. EPA air monitoring schedule for intermittent samplers. The samplers operate 24 hours from midnight to midnight on those sampling days. Samples are collected as total suspended particulate matter ("TSP") on an (8 x 10) inch glass fiber filter. Strips of the TSP filters are analyzed for heavy metals including total chromium (Cr) and Nickel (Ni). Speciation to determine the form of chromium present, i.e., hexavalent chromium ("Cr(VI)" or "Cr^{+6}") versus trivalent chromium, has not been performed on any of the samples collected from the monitors.

11. The following table shows the total Cr monthly average of the individual samples obtained since January 2017 at both monitors.

Month	Cr Monthly Average of Individual Samples (µg/m^3)	
	Airgas Monitor	**Belle Tire Monitor**
Jan-17	0.064	0.148
Feb-17	0.043	0.029
Mar-17	0.046	0.035
Apr-17	0.024	0.021
May-17	0.014	0.023
Jun-17	0.344	0.031
Jul-17	0.031	0.026
Aug-17	0.124	0.025
Sep-17	0.022	0.069
Oct-17	0.030	0.071
Nov-17	0.105	0.135
Dec-17	0.030	0.039
Jan-18	0.010	0.176
Feb-18	0.024	0.046
Mar-18	0.093	0.025
Apr-18	0.041	0.020
May-18	0.035	0.077
Jun-18	0.066	0.232
Average	**0.064**	**0.068**

12. The following table shows the Ni monthly average of the individual samples obtained since January 2017 at both monitors.

Month	Ni Monthly Average of Individual Samples (µg/m^3)	
	Airgas Monitor	**Belle Tire Monitor**
Jan-17	0.270	0.327
Feb-17	0.387	0.373
Mar-17	0.156	0.111
Apr-17	0.063	0.117
May-17	0.106	0.072
Jun-17	0.685	0.147
Jul-17	0.088	0.133
Aug-17	0.351	0.132
Sep-17	0.069	0.233
Oct-17	0.160	0.230
Nov-17	0.230	0.670

Dec-17	0.115	0.184
Jan-18	0.066	0.855
Feb-18	0.228	0.227
Mar-18	0.285	0.118
Apr-18	0.262	0.076
May-18	0.349	0.585
Jun-18	0.381	0.824
Average	**0.236**	**0.301**

13. Ohio EPA uses the Integrated Risk Information System ("IRIS") and Agency for Toxic Substances and Disease Registry ("ATSDR") toxicity databases to evaluate potential health impact. The IRIS chronic cancer lifetime risk (IE-5) level is 8.00×10^{-4} $\mu g/m^3$ for Cr(VI) and 0.04 $\mu g/m^3$ for Ni (as nickel refinery dust). The IRIS chronic lifetime non-cancer reference concentration (RfC) is 0.1 $\mu g/m^3$ for Cr(VI). The ATSDR intermediate risk level for Cr(VI) is 0.3 $\mu g/m^3$. ATSDR does not have a chronic risk level for Cr(VI), and also does not have intermediate or chronic risk levels for total Cr. The ATSDR intermediate and chronic risk levels for Ni are 0.2 $\mu g/m^3$ and 0.09 $\mu g/m^3$, respectively.

14. The Facility is a source of Cr and Ni emissions as confirmed by the emissions test for heavy metals from the baghouse exhaust stack completed by Respondent on May 23, 2017, pursuant to the 2017 Orders. The emissions were 0.00047 lb/hr for Ni and 0.0008 lb/hr for total Cr. Speciation of Cr to determine the Cr(VI) portion was not performed as part of the stack test.

15. On March 21, 2017, Respondent submitted the analysis for three samples collected over multiple days in February 2017, pursuant to the 2017 Orders. The filtercake composite sample contained 15,800 mg/Kg total Cr, the catalyst composite contained 1,970 mg/Kg total Cr, and the baghouse purge contained 58,400 mg/Kg total Cr. The samples were not analyzed for Ni.

16. On May 8, 2017, Respondent submitted the material profiles for three of the filter cake/catalyst materials processed at the Facility. The first material contained 10-20% Ni and 0.1 to 5% Nickel subsulfide. The second material contained 10-30% Ni. The third material contained 10-20% Ni. Because Respondent's key product for sale is material containing metallic Ni used in place of raw ore by smelters, Respondent seeks to purchase materials with the highest Ni content available.

17. On December 11, 2017, in response to Ohio EPA's request, Agmet submitted information regarding the minimal amount of Cr(VI) as a percent of total Cr expected in the material received by Agmet for processing.

18. On February 23, 2018, in response to Ohio EPA's request, Respondent submitted the laboratory analysis for three material composite samples that were collected over multiple days in January 2018:

Sample	Ni (mg/kg)	Cr (mg/Kg)	Cr^{6+} (mg/Kg)	% of Cr^{6+} in Cr
S-01	155,000	87,300	3,790	4.34
S-02	NA	28,300	290	1.02
S-03	NA	26,400	419	1.59

19. Based upon the monitoring results referenced in Findings No. 11 and 12, and the risk levels referenced in Finding No. 13, the Director has determined that Respondent's operations are causing or contributing to concentrations of Cr and Ni at the off-site monitors above federal health-based risk levels. The average Ni concentration at the Belle Tire monitor for the last 18 months is 0.301 $\mu g/m^3$, about 7 times the IRIS chronic lifetime cancer risk for Ni, and about 3 times the Ni non-cancer risk. The average total Cr concentration at the Airgas monitor for the last 18 months is 0.064 $\mu g/m^3$; assuming2.32% of Cr^{6+} in total Cr based on the average Cr^{6+} from Finding 18 would yield an average Cr^{6+} of 1.48 E-3 $\mu g/m^3$, about 2 times the IRIS chronic lifetime risk for Cr^{6+}.

20. On March 7, 2018, as part of ongoing discussions with Ohio EPA and CDAQ, Respondent submitted a near-term action plan for addressing the ongoing odor complaints and elevated Ni and total Cr readings at the off-site monitors.

21. On March 15, 2018, Respondent submitted follow-up production information, including a description of its approval process for all incoming materials (which includes completion of a material profile form along with chemical and physical analyses). Respondent also provided the Ni content of the filtercake from its top 10 suppliers from 2014 to 2017, which ranged from an average of 11.82% to 23.22% (dry weight basis). The submission did not include data on Ni catalyst accepted at the Facility.

22. On March 22, 2018, Respondent provided Ohio EPA and CDAQ with an inventory and description of potential fugitive dust sources at the Facility together with its evaluation of the potential for fugitive dust generation (none, low, medium, high). Respondent also included a facility drawing that identifies the locations of these sources. These potential sources included material receiving, bulk storage building, transfer station, material conveyance to the calciner, calciner entrance, calciner exit, back drop-out cleaning, front drop-out cleaning, quench tower, baghouse, quench tower cleaning, quench tower crossover cleaning, baghouse purging, screw conveyors, bag filling, and bag weighing/wrapping.

23. On April 25, 2018, Respondent provided Ohio EPA and CDAQ with its plan to address fugitive emissions from the Facility. The plan included a phased approach involving initial work practice and engineering improvements (phase one), followed by an

evaluation of the need for additional work practice and engineering improvements including but not limited to potentially adding or modifying capture and control equipment, modifying or reconfiguring equipment, or building partial or full enclosure (phase two).

24. On June 11, 2018, Respondent informed Ohio EPA and CDAQ that the following activities had been completed as part of phase one of its plan:

- cease use of the manual leaf blower for cleaning product off the exterior of bags at the outdoor bag weighing/wrapping station;
- develop and begin implementing written procedures describing measures and inspection schedules to minimize or prevent fugitive dust for several activities at the Facility; and
- engage a consultant to advise Respondent regarding odor issues.

25. Respondent reported that the following additional activities have been completed as part of phase one of its plan:

- Installation of capped access points allowing pre-cleaning of the interior Back Drop-Out area using compressed air prior to opening the door and cleaning.
- Conduct a cleaning to remove accumulated dust (product) from the floor and other surfaces inside the Bag Filling Station and initiate routine inspections with housekeeping as needed;
- Conduct a cleaning of the roll-off tarp to remove accumulated dust and initiate routine inspections and housekeeping as needed.
- Inspection of Baghouse Screw Conveyor and Final Product Screw Conveyor and application of silicone sealant as needed.
- Implementation of new procedures requiring that all material collected in the bin for movement to the transfer station be de-dusted at the point of accumulation using manual spray head prior to movement.
- Installation of vinyl strips at the east wall opening adjacent to the Transfer Station (where roll-off box sits).
- Repair/replacement of existing vinyl strips on the north wall opening adjacent to the Transfer Station.
- Replacement of additional leaf seals at calciner exit for the remaining section not replaced in February 2018.
- Modification of material conveyance system that transfers product to the bagging building such that material is only transferred to the active spouts; sealed the inactive spouts.
- Baghouse repairs guided by in-progress 3rd party system evaluation including blow pipe repair/replacement, repair of small holes/openings in housing, and repair/replacement of ductwork from ID fan to baghouse.

- Disconnection of the quench tower drop-out to the screw conveyor and installation of new dedicated drop-out chute configured to empty directly to a Supersak.
- Installation of new hood at the calciner exit and duct/piping exhausting to existing baghouse.
- Replacement of portions of internal refractory and improvements to the main natural gas burner.

26. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within sixty (60) days from the effective date of these Orders, Respondent shall develop and submit a waste analysis plan ("WAP") for the Facility (or revise its existing WAP) that, at a minimum, contains: a description of how representative samples, for each customer, of filtercake and catalyst will be or were analyzed, a description of the parameters to be analyzed and the rationale for the selection of these parameters, a description of the test methods used to perform the analysis, a description of the sampling methods used to obtain the representative sample and frequency with which the initial analysis will be reviewed or repeated to ensure that the analysis is accurate and up to date. The WAP shall be submitted for Ohio EPA comment and approval. Once the WAP is approved, Respondent shall follow the WAP and the procedures described within it. Respondent shall make the WAP available for inspection and provide copies upon request to Ohio EPA or CDAQ. It is not Ohio EPA's intention to impose conflicting legal obligations on Respondent. To the extent the WAP incorporated into Respondent's pending Part B application and subsequent permit conflicts with this Paragraph 1, the WAP in Respondent's subsequent Part B permit is controlling.

2. Respondent shall maintain daily records that, at a minimum, are able to identify (i) for each shipment/load received at the Facility, the name of the customer, the bunker into which the load was placed and the date the load was placed into the bunker; and (ii) for each production campaign, the bunker used to feed the Rotary Calcining Kiln, the starting time of feeding material from the bunker, the end time of feeding material from the bunker and the amount of material used in that time period. The foregoing data may be maintained electronically. Respondent shall make this information available for inspection and provide copies upon request to Ohio EPA or CDAQ.

3. Respondent shall collect hourly samples of the material entering the Rotary Calcining Kiln from midnight to midnight every sixth day, correlated with the sample days at the off-site monitors referred to in Findings 11 and 12, and composite them into a single daily sample. Respondent shall analyze the daily composite samples for chromium (Cr) and nickel (Ni). The analysis shall be conducted in accordance with U.S. EPA test 6010C. All samples shall be sent for analysis within five (5) days from the date of collection. By the 15th of each calendar month, Respondent shall submit the results of the analysis, electronically, to Ohio EPA and CDAQ for the previous month. Respondent will also collect samples during the stack testing required in Order 7. Respondent may request the cessation of the sample collections if monitor levels are below federal health-based risk levels set forth in Finding #13, which Ohio EPA may approve (at its discretion) without requiring modification of these Orders.

4. Within sixty (60) days from the effective date of these Orders, Respondent shall develop a site-specific work practice plan ("WPP") designed to minimize or eliminate fugitive dust from several sources at the Facility including the following:

a. material receiving areas
b. bulk storage building;
c. transfer station;
d. calciner fugitive dust release points including but not limited to the material conveyance to the calciner, screw conveyor, calciner entrance, calciner exit, back drop-out cleaning, front drop-out cleaning;
e. quench tower fugitive dust release points including but not limited to the quench tower, quench tower cleaning, quench tower crossover cleaning;
f. baghouse including during purging;
g. bag filling; and
h. bag weighing/wrapping.

The WPP shall identify best management practices that will be implemented to control fugitive dust at the Facility. The WPP plan is subject to Ohio EPA and CDAQ review and approval. The plan shall include, at minimum, the following for each potential source of fugitive dust:

- Identification of practices and measures to control fugitive dust;
- Identification of staff responsibilities and training requirements pertaining to fugitive dust control;
- Identification of fugitive dust observations, inspections and recordkeeping requirements; and
- Identification of operation settings (i.e. optimal ID fan settings or other parametric monitoring setting, where applicable) and maintenance activities and schedules.

5. Within sixty (60) days of the effective date of these Orders, Respondent shall complete and submit to CDAQ an evaluation of the permit status of fugitive dust sources at the Facility, including whether the source is covered by an existing permit, whether a source description needs to be updated, whether a source is de minimis, and/or whether any additional permits or permit modifications are needed. Respondent's evaluation will include calculations where needed. Following submission of the evaluation, Respondent will work expeditiously to ensure its permitting is accurate and up-to-date.

6. Within sixty (60) days of the effective date of these Orders, Respondent shall complete the following remaining activities from phase one of its plan, and submit to Ohio EPA and CDAQ documentation demonstrating that the activities have been completed:

a) establishment of optimal baghouse ID fan settings or range of settings during Back Drop-Out cleanout, Quench Tower cleanout, and baghouse purging;
b) modification of written procedures to incorporate key operating parameters for optimal operation of the calciner;
c) an evaluation and recommendation of potential cost-effective improvements or work practice changes to the operation of the calciner with implementation dates;
d) design, fabrication and installation of sliders to close the small gap between the calciner entrance and the current vent hood; and
e) an evaluation of the effectiveness of the existing capture/control system at the calciner as a whole and its individual components (afterburner, quench tower, baghouse), and a recommendation of potential cost-effective improvements with implementation dates.

7. Within ninety (90) days of the effective date of these Orders, Respondent shall perform a stack test to determine the level of metals and VOC emissions from emissions unit P001. Respondent shall test for the following metals: arsenic (As), beryllium (Be), cadmium (Cd), total chromium (Cr), chromium VI (Cr^{6+}), lead (Pb), manganese (Mn), nickel (Ni), and zinc (Zn). Emissions unit P001 shall be operated at or as close as possible to its maximum capacity on the day of the test and Respondent shall process a filtercake/catalyst mixture that represents Respondent's normal course of business. Respondent shall test for total chromium and chromium VI simultaneously.

8. Within thirty (30) days of its receipt of final stack test results, Respondent shall submit a report of the result of the stack test conducted as required by Order 7 to Ohio EPA and CDAQ, in accordance with Section X.

9. Respondent shall repeat the stack test identified in Order 7 annually for three (3) consecutive years starting in 2019. Within thirty (30) days of its receipt of final stack test results, Respondent shall submit a report of the result of each of these stack

tests to Ohio EPA and CDAQ. Respondent may request a reduction of the number of annual stack tests following the 2018 and 2019 testing, which Ohio EPA may approve (at its discretion) without requiring modification of these Orders.

10. In the event that Airgas monitor, Belle Tire monitor or both continue to show elevated Ni or Cr concentrations as determined by Ohio EPA and/or CDAQ continues to receive and verify odor complaints regarding the Facility more than two months after all the improvements identified by Order 6 are implemented, Respondent shall submit (without waiver of defenses and without admission of law or fact) a detailed plan of action for implementing phase two (as described in Finding #23) to address either or both of these issues to Ohio EPA and CDAQ within thirty (30) days following receipt of a written request from Ohio EPA or CDAQ.

11. Respondent shall pay the amount of forty-eight thousand dollars ($48,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. The payment of the total amount of forty-eight thousand dollars ($48,000) shall be made in three installments of sixteen thousand dollars ($16,000) each, which shall be paid per the following schedule:

Installment #	Amount	Due Date
1	$16,000	Seven (7) days from the effective date of these Orders
2	$16,000	December 30, 2018
3	$16,000	March 30, 2019

The payments shall be made by official checks made payable to "Treasurer, State of Ohio". The official checks shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondents, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders, these obligations have been embedded in operation permits where appropriate, and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(1) for a corporation, or a corporate officer who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

City of Cleveland
Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
Cleveland, Ohio 44114
Attn: Valencia White

and to:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Jim Kavalec, Manager
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein and all violations of ORC Chapter 3704 known to Ohio EPA or CDAQ up through the effective date of these Orders.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler
Director

10/13/18
Date

AGREED:

Agmet LLC

Signature

10-2-2018
Date

MICHAEL AGIN
Printed or Typed Name

President
Title