



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 11, 2008

**JACKSON COUNTY
REFCO INCORPORATED
DHWM/SEDO
OHR000038752**

Mr. Bob Washburn
REFCO Incorporated
722 East 10th Street
Wellston, Ohio 45692

Dear Mr. Washburn:

On March 10 2008, I inspected the REFCO, Incorporated facility in Wellston to determine its compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). This letter will explain general concerns I have, what you need to do to respond to any general concerns and the pollution prevention opportunities that were identified.

Based on this inspection, REFCO, Inc is in violation of the following hazardous waste regulations:

- (1) **OAC Rule 3745-52-11, Evaluation of Wastes:** Any person who generates a waste in the State of Ohio, as defined in rule 3745-51-02 of the Administrative Code, ...shall determine if that waste is a hazardous waste using the following method: (A) He shall first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code; (B) He shall then determine if the waste is listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code; and (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator shall then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the process used.

REFCO, Inc did not have sufficient information available during the inspection to demonstrate that all refractory wastes generated at your facility were adequately characterized, in violation of this rule. Subsequently, waste characterization information was provided to Ohio EPA, in addition to sample analysis by REFCO, Inc

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and Ohio EPA. Ohio EPA collected samples on March 18th and March 27th and these sample results indicate that the refractory waste generated by REFCO, Inc is a non-hazardous waste. Therefore, REFCO, Inc has adequately demonstrated compliance with this rule.

Please ensure that all wastes are adequately characterized in accordance with the above rule and this information is readily available for review.

General Comment

- (a) Ohio EPA emergency response was contacted due to a release of refractory waste run-off on Monday March 17th and Tuesday, March 18th, that had migrated to a nearby stream. The Division of Hazardous Waste Management collected samples on March 18th as a result of this release. Ohio EPA Division of Surface Water has been working with your facility representatives to address this run-off concern. It is Ohio EPA's understanding that refractory wastes generated in the future will be stored in covered containers to prevent any future run-off concerns. Minimization of waste spillage from the production building
- (b) REFCO, Inc. representatives stated that efforts will be made to reduce waste streams from the production of refractory products. Ohio EPA is supportive of these efforts and encourages REFCO/RESCO to evaluate ways to re-use these waste streams back into the product to eliminate wastes all together.
- (c) Since refractory waste generated in the past was not disposed of at a solid waste landfill, there may be issues with the land disposal of this waste stream. A representative(s) from Ohio EPA's Division of Solid and Infectious Waste Management will be in contact with REFCO, Inc to further discuss this issue.

Your company may be able to reduce the waste that it generates. If you find ways to recycle, reduce or altogether eliminate the amount of waste that is generated, you may be able to reduce the treatment and disposal costs and you may possibly reduce your regulatory requirements. The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You may benefit economically, help preserve the environment, and improve your public image by implementing pollution prevention programs. You can find more information about pollution prevention, including fact sheets, at the following web address:

<http://www.epa.state.oh.us/ocapp/ocapp.html>.

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If you would like to be considered for an in-depth on-site pollution prevention assessment, or if you would like more information about pollution prevention assessments, please contact me at 740-380-5262.

Enclosed you will find a copy of checklists that were completed as a result of the inspection. Should you have any questions, please feel free to call me at 740-380-5262. You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

Sincerely,



John Rochotte
District Representative
Division of Hazardous Waste Management

JR/mlm

Enclosure

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.

Ohio Environmental Protection Agency
**RCRA SUBTITLE C SITE
 IDENTIFICATION/VERIFICATION FORM**

For Ohio EPA use only

E-mail this completed form to
tammy.mcconnell@epa.state.oh.us or mail it to Tammy
 McConnell, Central Office

2. Site EPA ID No.	EPA ID Number: OHR000038752								
3. Site Name	Name: REFCO, Inc.				Website: www.rescoproducts.com (Optional)				
4. Site Location Information	Street Address: 722 East 10 th Street						State: OH		
	City, Town, or Village: Wellston				Zip Code: 45692				
	County Name: JACKSON								
5. Site Land Type (check only one)	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>	
6. NAICS code(s) www.census.gov/epcd/www/naics.html	327124								
7. Facility Representative Additional names can be recorded in number 12 Only provide address information if it is different than the site address	First Name: Bob			MI:	Last Name: Washburn				
	Phone Number: 740-384-4262			Phone Number Extension:					
	E-Mail Address: bob.washburn@rescoproducts.com								
	Fax Number: 740-384-6863			Fax Number Extension:					
	Street or P.O. Box: 722 East 10 th Street								
	City, Town or Village: Wellston				State: OH		Country: USA		Zip Code: 45692
8. Legal Owner and Operator of the Site List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: RESCO Products, Inc				Date Became Owner (mm/dd/yyyy): ?				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: Penn Center West Two, Suite 430								
	City, Town or Village: Pittsburgh				Owner Phone #: 412-294-1023				
	State: PA				Country: USA		Zip Code: 15276		
	Name of Site's Operator: REFCO, Inc.				Date Became Operator (mm/dd/yyyy): ?				
	Owner Type:	Private <input checked="" type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box: 722 East 10 th Street								
	City, Town or Village: Wellston				Operator Phone #: 740-384-4262				
	State: OH				Country:		Zip Code:		
9. Violations Cited?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No								
10A. Type of Regulated Waste Activity (Mark "X" in all of the appropriate boxes)									
<input type="checkbox"/> Not Regulated				<input type="checkbox"/> Conditionally Exempt Small Quantity Generator					
<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11				<input type="checkbox"/> United States Importer of Hazardous Waste					
<input type="checkbox"/> Large Quantity Generator (LQG)				<input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator					
<input type="checkbox"/> Small Quantity Generator (SQG)									
<input type="checkbox"/> Hazardous Waste Transporter				<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace					
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste				<input type="checkbox"/> Small Quantity On-Site Burner Exemption					
<input type="checkbox"/> Recycler of Hazardous Waste				<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption					
<input type="checkbox"/> Underground Injection Control Facility									

10B. Universal Waste Activities (Indicate types of universal waste managed (check all boxes that apply))			
<input checked="" type="checkbox"/> Small Quantity Handler of Universal Waste		<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	
<input type="checkbox"/> Destination Facility for Universal Waste			
Check all boxes below that apply for each of the three types of facilities above		10C. Used Oil Activities (Indicate Type(s) of Activity(ies))	
	Managed	<input checked="" type="checkbox"/> Used Oil Generator	<input type="checkbox"/> Off-Specification Used Oil Burner
Batteries	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Transporter	<input type="checkbox"/> Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
Pesticides	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Transfer Facility	<input type="checkbox"/> Used Oil Fuel Marketer to Off-Specification Used Oil Burner
Mercury containing equipment	<input type="checkbox"/>	<input type="checkbox"/> Used Oil Processor	
Lamps	<input checked="" type="checkbox"/>	<input type="checkbox"/> Used Oil Re-refiner	
11. 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 if more space is needed. If there are more than 7 waste codes and they are the same as listed in the most recent RCRAInfo source record, you do not need to list them all. Instead just indicate the date of the most recent source record.			
12. Comments: Use this area to describe whether the inspection was announced, whether the waste is stored in tanks or containers, etc.			
Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:
Tanks	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Other Comments:
Containers	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
13. Name of Inspector(s)		Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
John Rochotte			3/10/2008 11:00 - 12:00
14. OPTIONAL CERTIFICATION. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.			
Signature of Owner, Operator, or an Authorized Representative		Name and Title (Print)	Date (mm/dd/yyyy)

WASTE ACTIVITIES SUMMARY

Facility Name: REFCO, Inc.

Facility Type: NON-GENERATOR

EPA ID#: OHR000038752

Waste Generated				On-Site and Off-Site Management			Pollution Prevention Activities		
Process Generating Waste	Waste Generated	EPA Waste Code	Amount Generated per Month	Type and Location of Accumulation, Storage	Type of On-Site Treatment	Name, State, and Type of Activity Occurring at the Facility	Current Pollution Prevention Activities	Pollution Prevention Opportunities	
1	Castable refractory production	Waste refractory overage during casting operations	NA	varies	Currently accumulated in a storage stall at the rear of the facility.	NA	Planned to be sent to Beech Hollow, RUMPKE landfill, Jackson Co.	Waste reduction	Completely re-use this waste stream – recycle back into product.
2	Auto/Truck/forklift Maintenance	Used Oil	NA	< 20 gallons	Containers (55-gallon drums)	NA	Safety Kleen, Ashland, KY		May use in the future for energy recovery.
3	Auto/Truck/forklift Maintenance	Spent Batteries	D008	< 2	No specified location	NA	Recycled		
4	Lighting	Spent fluorescent lamps	D009	< 2	In storage bldg	NA	Recycled as a UW. Safety Kleen, Ashland, KY/Cleanlites, Spartanburg, SC		
5	Vehicle Maintenance	Spent antifreeze	NA	< 5 gallons	Container at facility	NA	Safety Kleen, Ashland, Ky		

GENERAL FACILITY INFORMATION

Process Information: REFCO, Inc produces castable refractory material at their Wellston plant. This material consists of bauxite, alumina, other clay materials and additives for various applications. Cast blocks containing chromium oxide are also produced. The "recipe" for a specific refractory is mixed and bulked at the plant. Water is then added to the mix and poured into various forms. A heat treat process is also used for some of the refractory products.

Regulatory/Enforcement History: REFCO, Inc. was last inspected on 01/30/01 by Ohio EPA – DHWM.

CONDITIONALLY EXEMPT SMALL QUANTITY (CESQG) GENERATOR REQUIREMENTS

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. of acutely hazardous waste in a calendar month.

WASTE EVALUATION

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No NA

Waste characterization information for waste refractory was not available during the inspection.

GENERATOR CLASSIFICATION

2. Does the generator produce <100 kg. of hazardous waste per month? Yes No NA
[conditionally exempt small quantity generator ("CESQG")]

REFCO is a non-generator of hazardous waste.

NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG").

OFF-SITE SHIPMENT OF HAZARDOUS WASTE

3. Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? Yes No NA
[3734.02(F)]

TREATMENT OF HAZARDOUS WASTE

4. Does the generator treat hazardous waste in a :
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No NA
 - b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97(C) Yes No NA
 - c. Drip pad that meets 3745-69-40 to 3745-69-45? Yes No NA
 - d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No NA

NOTE: If the CESQG conducts treatment they are subject to the LQG requirements.

NOTE: If waste is treated to meet LDRs, use the LDR checklist.

REMARKS

USED OIL GENERATOR REQUIREMENTS

NOTE: (Short Version) - This checklist does not include requirements for used oil transporters and transfer facilities, processors and re-refiners, burners, and marketers.

PROHIBITIONS

1. Is used oil being managed in a surface impoundment or waste pile? If so: Yes No NA
- Is the surface impoundment or waste pile being regulated under OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-12(A)] Yes No NA
2. Is used oil being used as a dust suppressant? [3745-279-12(B)] Yes No NA
3. Is off-specification used oil fuel burned for energy recovery only in devices specified in 3745-279-12(C)? Yes No NA

USED OIL GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil only as provided in 3745-279-10(B)? [2745-279-21(A)] Yes No NA
5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No NA
6. Does the generator only store used oil in tanks, containers, or units subject to OAC 3745-54 to 3745-57 and 3745-205 or 3745-65 to 3745-69 and 3745-256? [3745-279-22(A)] Yes No NA
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No NA
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No NA
9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No NA
- b. Contained the release? Yes No NA
- c. Cleaned up and properly managed the used oil and other materials? Yes No NA
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No NA

10. Does the generator burn used oil in used oil fired space heaters? [3745-279-23] If so: Yes No NA
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes No NA
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No NA
- c. Are the combustion gases from heater vented to the ambient air? Yes No NA
11. Does the generator have the used oil hauled only by transporters that have obtained U.S. EPA ID#, unless the generator qualifies for an exemption pursuant to 3745-279-24 (self transportation or tolling agreements)? [3745-279-24] Yes No NA

USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes No NA
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No NA
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No NA

WASTE EVALUATION

15. Have all wastes generated at the facility been evaluated? [3745-52-11] Yes No NA

REMARKS