



December 3, 1991

SENT VIA FACSIMILE
AND FEDERAL EXPRESS
December 3, 1991

Mr. Jeffrey Smith
Hazardous Waste Section
Florida Department of Environmental
Regulation - Southeast District
1900 S. Congress Ave., Suite A
West Palm Beach, FL 33406

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DEPT. OF ENVIRONMENTAL REG.
WEST PALM BEACH

RE: RCRA INSPECTION, BOYNTON BEACH
FACILITY, FLD 984 167 791
FOLLOW UP INFORMATION

Dear Mr. Smith:

As discussed over the phone last November 27, the purpose of this letter is to clarify some information previously sent to you.

ONE UNLABELLED DRUM WITH DRIED SEMSTONE FLOOR COATING

Last November 20, you were provided with three sets of MSDS's and TCLP test results for a floor coating identified as SEMSTONE 245. Only one MSDS and TCLP test result is representative of the waste material inside an unlabelled drum noted during a November 5, 1991 RCRA inspection.

As far as determining whether or not the material in the drum is regulated under RCRA, please use the MSDS and the TCLP results for Sample Number 9107101, Lab No. E-0022 because this represents the material that was applied on the warehouse floor. Test data clearly show that the material is not regulated under RCRA. The drum contents were disposed off by the branch via the municipal waste dumpster located on site.

The other two sets of MSDS and TCLP data (Lab Numbers E-2941 and E-0021) represent SEMSTONE Part A and SEMSTONE Part B respectively. According to Mr. Rusty Sluder [tel. (409) 297-1477] of Sentry Polymers, 4 volumes of Part A are added to 1 volume of Part B in order to produce the the final coating that is to be applied on the floor. Sentry Polymers, Inc. of Freeport, Texas is the manufacturer of the floor coating.

Also according to Mr. Sluder, the final coating mixture polymerizes then hardens within about 15 minutes under Florida's October conditions. You will recall the warehouse floor was recoated the weekend of October 12 and 13. Your inspection was conducted last November 4 which is about three weeks after. According to branch personnel, there were no empty Part A buckets placed in the drum.

MANAGEMENT OF "OFF SPEC" PERC

As per our November 27 discussion, you wanted to find out how the branch will handle what FDER considers "off spec" perchloroethylene in the future.

Effective the date of our discussion, the branch will handle, store, and transport this type of perc as a RCRA-regulated waste. The branch will identify this type of perc as a U210 waste.

Please be advised however, that the RCRA permit does not include U210 waste as one that may be stored in the permitted drum storage area. Storage of U210 waste will be addressed in the major permit modification that is due to be submitted to your office by December 7. In the meantime, U210 waste that is generated at the branch must be stored somewhere inside the branch. We feel the safest place to store this material is the permitted drum storage area. As a hazardous waste generator who is also subject to 40 CFR 262 requirements, we request Department approval to store branch-generated U210 waste in the permitted storage area in the meantime, while our major permit modification request is undergoing review.

Prior to handling the material as a U210 waste, this type of perc had been handled, stored, and transported as a product. The permitted drum storage area had been used to store this product.

Also please be advised our immediate decision to manage this perc as a U210 waste is a good faith effort to resolve the Department's concern. It is however, our intention and expectation that nothing in this letter shall be construed as an admission or used against the company in any administrative or judicial proceeding. The company expressly reserves any and all defenses it might have and does not waive any of these defenses by making this decision.

I hope this information is of assistance. If you have any questions, please call me at (813) 682-8094.

Sincerely,

A handwritten signature in cursive script that reads "Victor L. San Agustin".

Victor L. San Agustin, P.E.
Regional Environmental Engineer
Tampa Region

cc: Satish Kastury, BWPR
Javier Garcia, USEPA IV
Robert Kukleski, SE-FDER