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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

February 23, 1996

Mr. Robert M. Eaton
Novacor Chemicals, Inc.
P.O. Box 5460
Decatur, AL 35601

Dear Mr. Eaton:

This letter is in response to your April 26, 1995, request to Region I of the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MA DEP) for a determination of "co-product" status for the "purge monomer" generated at Novacor's Indian Orchard, Massachusetts plant (the facility). We would like to apologize for the delay in responding to your request, the complexity of the issue and our desire to maintain a strong working relationship with the company to reach agreement on the issue have added to the delay.

We believe that since the MA DEP is authorized for the base RCRA program, the State should respond to your request. However, since the MA DEP authorization does not include the HSWA authority to make boiler and industrial furnace closure/permit decisions we shall consider any classification decision made by the State for its impact on our closure/permit authority.

We are aware and supportive of the facility's desire to continue to manage the material on-site and are also aware that the facility does not wish to pursue a RCRA/HSWA Part B permit for the boiler unit. In an attempt to meet the facility's goal we would like to suggest that the following factors would allow the facility to continue to burn the purge monomer. The EPA approved closure plan provides that the facility must initiate closure procedures 180 days from the approval date (May 29, 1996). The facility is currently allowed to burn the purge monomer until that date.

In addition, it is our understanding that the soon to be published proposed combustion rule may include a comparable fuels specification that may be applicable to your situation. If the proposed comparable fuel specification is applicable to the Indian Orchard facility, we would entertain a request from the facility that the closure implementation date be deferred pending final promulgation of the combustion rule referenced above and a review of its applicability to the Indian Orchard facility.



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The facility should realize that future federal, state or local regulations which may be promulgated subsequent to this decision could effect EPA's current position.

Should you have any questions regarding the above or would like to further discuss some of the issues, please give me a call at (617) 565-3725. If you have any questions regarding the closure issues please contact Sharon Leitch of my staff at (617) 565 - 4879.

Sincerely,



Gary B. Gosbee, Chief
Hazardous Waste Program Unit

cc: Michael Garvey, Novacor-Indian Orchard
Mark Lesky, Novacor Chemical, Inc.
Edward McSweeney, EPA-OEP
Pamela Hill, EPA-ORC
Suzanne Parent, EPA-OES
Matt Hoagland, EPA-OSRR
Steven DeGabriele, MA DEP, Boston Office
William Sirull, MA DEP, Boston Office
Loretta Oi, MA DEP, Western Regional Office