PLAINTIFF'S EXHIBIT UC-1068

UNION CARBIDE CORPORATION

P O BOX 471, TEXAS CITY, TEXAS 77590

HEALTH, SAFETY & ENVIRONMENTAL AFFAIRS

November 26, 1984

Dr. E. R. Ibert, Ph. D.
Director, Environmental Control
Galveston County Health Dept.
P. O. Box 939
La Marque, TX 77568

Subject: Response to Notices of Violation dated November 12, 1984, Asbestos Insulation Demolition, No. 2 Powerhouse

Dear Dr. Ibert:

This letter is in response to two separate Notices of Violation dated November 12, 1984, stemming from a single inspection visit by Mr. Jackie Ickes at the No. 2 Powerhouse demolition site.

The first citation concerns a piece of 3/4" pipe about six feet long with a small exposed end section of insulation which Mr. Ickes alleges was insufficiently wetted to prevent dusting. The following facts apply:

1) The piece of pipe was lying flat on the concrete pad of the unit behind a low concrete curbing and under the concrete supports for the powerhouse.

2) The pipe had previously been removed, but not yet stripped of insulation. The insulation had been wetted down with water before the actual removal to the ground.

3) The pipe was not in an active area of demolition at the time. The contractor's procedure is to thoroughly wet all parts to be dismantled prior to removal and stripping, as well as to generally wet down the whole job site once daily.

4) The insulation on the piece of pipe was sampled and determined to contain approximately 15% moisture(1). There is no specification in the regulation as to what degree of wetness is adequate to prevent dusting, other than the admonition against "visible" dust. There was

(1) Dried in hot air oven at 105°C for 45 min., weight loss calculated as percent moisture.

UCTC 10728

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no evidence of any dust being raised from this piece of pipe lying on the pad.

We request that this NOV be rescinded because there has been no violation of the regulations as written.

The second citation involves the alleged requirement for an extension of time for the demolition activity and is a repeat of the NOV you sent on November 5th. The contractor indicated to me that he had responded to your November 5th citation by November 9th, but you apparently had not received it (copy attached). Please refer to my letter of November 15th with respect to this matter. The same comments apply to this present citation and we request that you rescind this NOV also. Please also refer to the last paragraph of my November 15th letter to you on the two previous NOV's, as that situation applies equally as well to this present situation.

Sincerely,

J. F. Erdmann, P.E.
E. P. Coordinator
(409) 948-5126

JFE:IR:NOV11124
Attachment

UCTC 10729

Bcc: Mark De Witt - Kimmins Corp.
C. L. Dudnick - 500 (Law Dept.)
S. J. Footer
W. P. Haskins
J. B. Leverton
F. S. Provenzano
A. P. Yalcinkaya/K. E. Martin

UCTC 10730

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KIMMINS CORP.

1800 C-2 SHERWOOD FOREST • HOUSTON, TEXAS 77043 • TELEPHONE (713) 973-2233

November 9, 1984

Galveston County Health District
Air Control Division
P.O. BOX 939
LaMarque, Texas 77568

ATTN: Mr. Jackie W. Ickes

RE: Notice of Violation
Union Carbide - Texas City

Dear Mr. Ickes,

We are in receipt of the above mentioned Notice of Violation, dated November 5, 1984. In our orginal letter to Bill Stewart, we anticipated completion by the later part of October]984, however, due to unforseen complications our removal of asbestos is going to extend through the later part of December]984.

I apologize for not notifying you of this delay. We respectfully request that you renew our permit through the end of December 1984.

Should you have any questions, please call me at 7]3-973-2233.

Very truly yours,

Mark G. DeWitt
KIMMINS CORP.

MDW/er

UCTC 10731

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