UNION CARBIDE

INTERNAL CORRESPONDENCE

INDUSTRIAL HYGIENE

PLAINTIFF'S EXHIBIT
UC-1098

UC 1 - 2

P. O. BOX 471, TEXAS CITY, TEXAS 77590

July 17, 1985

To: S. J. Footer
D. R. Reem
Texas City Plant

Copy to: T. L. Bateman
[redacted]
J. Schultz
A. P. Yalcinkaya

Subject: Texas City Plant Asbestos Concerns

Asbestos containing insulation and an assortment of other materials (transite, ceiling tile, accoustical lagging, gasket, etc.) have been elevated to a high priority health-public relation concern in the Texas City Plant. With the advent of the EPA regulation of asbestos renovation or demolition this site has been subjected to a series of inspections by the Galveston County Health Department that resulted in six (6) Notices of Violation. In January of this year the Galveston County Health Board granted the Health Department permission to file suit against Union Carbide if violations were found in the future. (Daily Sun article attached.)

The state has now begun to issue fines for past notices of violations at the Texas City Plant. These 6 NOV's have not been acted on but potential fines could total $25,000 per violation (BNA article attached).

To date Mr. J. Ickes, the County Inspector, has limited the scope of his site visits to active demolition projects. This, however, is no guarantee that future visits by the County Health Department will be limited to active demolition work sites. Due to the age of our facilities an extensive amount of insulation is open to the environment and would provide fertile ground for the inspector to raise the question of violation of EPA standard and/or potential exposure to employees and community. This concern is being addressed by the plant thru an effort headed by Mr. Joe Schultz. To date the plant has surveyed to establish priorities for corrective action, cost, and potential methods of correction. No. 2 Olefins was identified as the top priority due to the amount of insulation exposed and proximity to employees.

Asbestos bearing insulation in No. 2 Olefins is concentrated on the equipment on the NE corner of the unit adjacent to Bldg. 133 laboratory, and is badly weather due to the effects of hurricane Alicia. In view of the units present status the apparent best method of insulation removal would be to lay the equipment down prior to demolition. Asbestos containing insulation in the remainder of the unit is primarily associated with steam lines, acetelyne lines, and column bases.

UCTC 07752

Any work involving this area will require written notices to the Texas Air Control Board and will subject us to potential inspections. Inaction holds the plant up to potential adverse publicity for contributions to public exposure to asbestos.

It is my recommendation that the plant proceed with removal or renovation of exposed insulation on the theory that it would be more desirable to be accused of doing something rather than doing nothing.

Sincerely,

Kirk E. Martin

KEM:IR:

UCTC 07753

FROM: D. R. REEM - TEXAS CITY PLANT DATE: 7/16/85

TO: <EJF> IR Please return original to Sam

I plan to bring up the 1972 Chrysotile asbestos problem at my 405 Mtg with Mac + Char. Can you give me a feeling for the sense of urgency to get this cleaned up? Bad publicity, issue of a citation, community/pub health hazard etc? Appreciate any help you can offer by Friday.

TKs; Rudy

UNION CARBIDE

CONSERV ENERGY

[redacted]

UCTC 07754

SJF

D.C. - TBL
KEM
3/25/85
Qc "O" List
Sam

No. 130

March 13, 1985

Highlights . . .

Asbestos demolition operations are tops on federal and state enforcement agendas . . . p. 1

EPA seeks guinea pigs for dry sorbent injection tests . . . p. 2

Perchloroethylene rules may not be necessary after all . . . p. 3

Sludge management techniques are highlighted in ASME report . . . p. 4

TBL KEM APT

If Asbestos Flies, So Will Money

Careless handling of asbestos fines will lead to even bigger civil fines as states and EPA demonstrate that they take the asbestos demolition rules very seriously.

Records show that during the first fiscal quarter of 1985, EPA and state enforcement personnel inspected 608 asbestos removal operations amd issued 42 notices of violation. The U.S. Department of Justice presently is working on 22 active asbestos enforcement cases.

The agency says it will seek the maximum fine of $25,000 per violation for serious infractions of the asbestos rules. Moreover, the agency will act against the owner of the building if the asbestos demolition firm cannot afford to pay. Penalties may be reduced under certain circumstances, EPA says. Repeat violators, on the other hand, will be watched like hawks, the agency says, and will be more likely to be caught if they persist in their nonconforming ways.

The message is clear to those who contract for asbestos removal. They first should be fully cognizant of the asbestos removal rules, which are more comprehensive and demanding than they may suspect. Next, they should check into the backgrounds of competing removal firms before they award contracts. Finally, they should expect to spend some time on the site themselves, as they will be the losers should an inspector spot a serious violation and slap on a hefty fine.

For a detailed description of the asbestos removal rules, consult the binder at p. 125:301.

Countdown For Review

If there must be a race, at least it should be fair, EPA says in issuing a rule that sets an explicit time of day by which requests for review of its regulations must be made.

Under the Clean Air Act, races to the courthouse have been infrequent, EPA explains, largely because the Act is quite specific as to when and where appeals may be made. If rulings are nationwide in effect, appeals must be made to the United States Court of Appeals. Decisions of more local impact, such as state implementation plan approvals, innovative technology waivers, new source waivers, delayed compliance orders, smelter orders, and PSD applicability determinations, should be reviewed by the court of appeals for "the most appropriate circuit."

In both cases appeals must be made within 60 days of the time the disputed action is published in the Federal Register. Appeals of actions that are not recorded in the Register must be made within 14 days of the date on which they are signed. In all cases, the new EPA rule sets 1:00 p.m. as the time of day when the review period ends.

Setting an exact cutoff time for review is not a totally new idea, the agency explains. The 1:00 p.m. review deadline was added to language in the Clean Water Act back in April 1980 as a means of stemming the use of walkie-talkies, human signalling chains and similar means to achieve a favorable forum. The change did not eliminate forum shopping and courthouse races, the agency says, but it did make them fairer.

The favorable results achieved from the change in the Water Act led to the rule discussed here, which is designed to assure fairness in the review procedures for all of the environmental laws.

Toxics Information On The Rise

The explosion of interest in the nature and effects of toxic air emissions that has occurred over the past year has generated a corresponding explosion of information.

The EPA/STAPPA/ALAPCO Air Toxics Information Clearinghouse now has ready several contributions that should help satisfy the widespread hunger for a greater understanding of the complex world of toxic pollutants.

In the binder . . . Information on how to interpret process weight tables, control guidelines for SOCMI air oxidation processes, and a revised index are among materials in binder supplement No. 61, with this issue.

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UCTC 07755

Union Carbide trial exhibit UC-1098: Kirk E. Martin to S. J. Footer and D. R. Reem on Texas City Plant Asbestos Co...
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Texas City Sun
Thursday, January 31, 1985 Serving all of the Galveston County

Carbide plant warned: Keep asbestos under wrap

By CATHY GILLENTINE
Texas City Sun News Editor

LA MARQUE - Though Union Carbide has its house in order for the moment, violations of rules concerning asbestos have been prevalent at its Texas City plant since June, according to Dr. Ed Ibert, county environmental director.

Ibert was given permission to file suit against Carbide and its contractor, Kimmins Construction, if there are further violations in the removal of asbestos in demolition projects which are continuing through another month.

During the demolition of Powerhouse 2 and the Butadiene unit the health department made eight to 10 inspections, resulting in poor reports on most, according to Ibert and Environmental Control officer Jackie W. Ickes.

Asbestos being removed from tall pipes some 24 inches in diameter was allowed to blow free and was not properly disposed of, Ibert said.

"They have not protected the people in the plant or the people off premises," Ibert said. "Both of the demolition sites were only 150 feet from a public road with nothing in between but a hurricane fence," he added.

Ibert said if any further violations are found, charges on all violations will be brought.

He explained that asbestos removal rules are stringent and call for the material to be soaked in water to prevent dust and then carefully removed to a container, lowered to the ground and double bagged before being placed in a dumpster.

He said procedures were being followed in the two of the three most recent inspections made.

Health Board members meeting Wednesday night also heard from a man raising rabbits in Texas City who wanted to appeal a decision by Sanitarian Joe Vickery that the rabbit owner must provide either removeable pans or a concrete floor under the pen to alleviate a health nusiance.

Board members urged the man to comply with regulations.

The board also heard reports from Acting Director Dr. Clarence Porter concerning information on a shortage of t vaccine which had been circulated by the press from the co department at the request of the state health department.

Nursing Director Thelma Logan reported the clinic complying with new regulations and had not yet experienc shortage of the vaccine. Booster shots to 18-month-old and f year-old children have been temporarily stopped.

Approval was given for a State Department of Public He contract in which the department will provide $591,000 in sonnel salaries and supplies, including $24,000 in capital mon

The health department has scheduled a class for public semi-public swimming pool operators for 8:30 a.m. to 4:30 p Feb. 28 at the environmental building, with another c planned for April.

Sanitarian Janet Greenwood said all public and semi-pu (apartment) pools must have a licensed operator and many be up for renewal after a two-year period this year.

UCTC 07756

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Suit voted if rules on asbestos violated

By MAX RIZLEY, JR.
News Staff Writer

LA MARQUE — County health district directors voted Wednesday to sue Union Carbide Corp., and its demolition contractor, Kimmons Inc., if federal rules on the handling of asbestos are violated again.

Dr. Edward Ibert, district pollution control director, said inspections of a demolition project at Union Carbide have repeatedly shown "at least lax handling of asbestos."

"They are not protecting people in the plant or off the premises" from asbestos dust during demolition of a powerhouse and a butadiene unit, Ibert said. Both sites are within 150 feet of public roads, he added.

Specifically, Ibert said, some of the asbestos has not been soaked thoroughly enough to keep dust from being produced, and containers of the carcinogenic mineral fibers have at times not been sealed to the specifications set out by the federal Environmental Protection Agency.

Ibert emphasized that not all the 300,000 pounds of asbestos being removed has been handled incorrectly. "It's not hundreds of pounds," he said, "just here and there and here and there — but it has no business being anywhere."

The violations were found during routine health district inspections of the work sites, and Ibert said official notices of violation were issued after the first two inspections.

The sites have been inspected a total nine or 10 times since the demolition began last June, said Ibert, and the asbestos dust control measures were "adequate" on two of the last three inspections. In fact, the most recent survey showed "excellent" control, said Ibert, which is why the district did not vote to go to court right away.

What the unanimous vote means is that if the EPA rules are violated again, the district is authorized to file suit without again asking board permission.

If the violations recur," said Ibert, the district will sue on that and all past violations.

In other business, the board approved its 1985 contract with the Texas Department of Health for more than $600,000 in state support for various district activities.

UCTC 07757