PLAINTIFF'S EXHIBIT
UC-1145

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC.
SOLVENTS AND COATINGS MATERIALS DIVISION
P O BOX 471 TEXAS CITY TEXAS 77592-0471

June 16, 1993

Ms. Jeanne Philquist
Director, Compliance Division
Texas Air Control Board
12124 Park 35 Circle
Austin, TX 78753

Subject: Response to the Recommendation for Formal Administrative Action letter Dated May 19, 1993, Union Carbide Corporation, TACB Account No. GB-0076-J

Dear Ms. Philquist:

This letter is Union Carbide's response to the attached, referenced memorandum from Jodena H meke to Jeanne Philquist, which we received from the TACB Region 7 office on June 2, 1993. The referenced memorandum is concerning an alleged asbestos NESHAP violation found during an EPA compliance inspection conducted during November and December of 1992. This alleged violation was mentioned by the TACB Region 7 staff during an enfo ment conference held on May 21, 1993. The Regional staff suggested that we submit a response to the alleged asbestos NESHAP violation directly to you so that all of the issues stemming from the EPA compliance inspection could be resolved together.

The alleged violation, as stated in the May 19, 1993 memorandum, is as follows:

> "61.151(d)(1)(viii) Standards. N. I. C. Demo/Reno notifications are not completed when submitted to the TACB. Spaces are left blank and prior use of affecte ' areas and scheduled demolition dates cannot be the same. The Waste Manifest are expressed in pounds rather than Cubic Yards. Manifest Number 00265938 does not have appropriate UN2212 or UN2590 labels. Total quantity of asbestos waste is being fill d out at the landfill rather than at the facility. Transporter information was incorrectly included on manifest and the landfill is correcting the actual tank number with the asbestos waste for the facility."

The regulatory citation appears to be inaccurate. Rather, based on feedback from the EPA inspectors at the conclusion of th ir inspection, we believe their concerns were with some of the information reported on the Notification of Demolition and Renovation required under 40 CFR 61.145(b). Union Carbide reviewed how it fills out the Notification

Union Carbide trial exhibit UC-1145: J. R. Dement to Jeanne Philquist, Texas Air Control Board, Responding to Alle... Published by AsbestosClaims.Law
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of Demolition and Renovation forms and instituted the following changes in December, 1992: Section V, "Prior Use," will contain the description of the building or structure targetted for demolition or renovation; Section VIII, "Scheduled Dates Asbestos Removal" will contain the preparation and cleanup date; and Section IX, "Scheduled Dates Demolition/Renovation", will contain the start and completion dates for each renovation or demolition.

With respect to the measurement of asbestos waste at the disposal facility, please be advised that this was an infrequent occurrence. When the plant weight scales were out of service for outgoing loads of asbestos waste, weight scales at the disposal facility located approximately four miles from the plant were used until the plant scales were fixed. Beginning in December, 1992, the plant started using cubic yards for the quantity of asbestos on manifests (which alleviates the weight scale problem as well.)

Manifest No. 00265438 was labelled appropriately with an "ORM-C" label. The referenced UN2212 or UN2590 labels will not be required until October, 1993. I note that manifest requirements are not part of the federal asbestos NESHAP program.

We believe that this letter provides you with sufficient information concerning the circumstances of the alleged violation. We note that there was no allegation that Union Carbide failed to follow appropriate work practice standards pertaining to its demolition/renovation activities. Where deficiencies were identified with respect to the paper-work requirements for the asbestos NESHAP, Union Carbide took prompt action to address the concerns of the EPA inspectors. As stated above, it is our desire to combine this asbestos issue with the other air issues discussed at the May 21, 1993 enforcement conference with Region 7 of the TACB.

If additional information is required, please call me at (409) 948-5213.

bcc: A. F. Jackson
A. P. Yalcinkaya
K. D. Harris
L. D. Pell
C. L. Dudnick - 500
R. A. Mendez
F. S. Provenzano
R. E. Lide
A. E. Helms

Sincerely,

J. R. Dement
Health, Safety and
Environmental Affairs

JRD:IW:TACBAsbe/Attachment
cc: Mr. Poly Isis, Chief, Engineering & Monitoring Section, TACB Region 7,Houston, TX
Ms. Jodena Henneke, Regional Director, TACB Region 7, Houston, TX
Ms. Karen Kilpatrick, Director, Environmental Control Service , GCHDLa Marque, TX

UCTC 17910

TEXAS AIR CONTROL BOARD

MEMORANDUM

TO: Jeanne Philquist, Director, Compliance Division, Austin

FROM: Jodena Henneke, Regional Director, Houston

DATE: May 19, 1993

SUBJECT: Recommendation for Formal Administrative Action - Union Carbide Corporation, Texas City, Harris County, Account No. GB-0076-J

On December 14, 15, and 17, 1992 a compliance inspection was conducted by the EPA at the Union Carbide Chemical and Plastics Facility in Texas City. As a result of this inspection the following asbestos violation was found - direct quote from EPA report:

"61.151(d)(1)(viii) Standards. N.I.C. Demo/Reno notifications are not completed when submitted to the TACB. Spaces are left blank and prior use of affected areas and scheduled demolition dates cannot be the same. The Waste Manifest are expressed in pounds rather than Cubic Yards. Manifest Number 00265938 does not have appropriate UN2212 or UN2590 labels. Total quantity of asbestos waste is being filled out at the landfill rather than at the facility. Transporter information was incorrectly included on manifest and the landfill is correcting the actual tank number with the asbestos waste for the facility."

Since the regions are no longer doing asbestos, we are refering this to the Compliance Division for further action. If you have any questions or require additional information, please let me know.

cc: Howard Houston, Compliance Section, Austin
John Hepola, U.S. EPA Region VI, Allied Bank Tower, 1445
1445 Ross Avenue, Dallas, Texas 75202-2733

bcc: JH/PI/TW/rsv,board,file

Enclosures

UCTC 17911