PLAINTIFF'S EXHIBIT

UC-2101

WV-0204 #78

UNION CARBIDE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
NOV 21 1986
MAINTENANCE DEPT

UNION CARBIDE CORPORATION
P. O. BOX 8004, SOUTH CHARLESTON, W. VA. 25303
Silicones and Urethane Intermediates
South Charleston Plant

November 18, 1986

Ms. Cheryl Wasserman
Acting Chief, Air Enforcement Branch
U. S. Environmental Protection Agency, Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

Dear Ms. Wasserman:

SUBJECT: Notice of Deficiency No. 83140025087
Received November 12, 1986

This letter responds to your Notice of Deficiency, dated November 7, 1986, relating to Union Carbide's asbestos renovation activities at its South Charleston Plant. At the outset, we wish to set the record straight concerning the requirement that Union Carbide provide prior notification of such activities. Attached hereto is a copy of the completed Asbestos Removal Notification form provided to the West Virginia Air Pollution Control Commission (WVAPCC). That agency's stamp shows their receipt on October 10, 1986, the day before the renovation activites commenced.

It is Union Carbide's understanding that the State of West Virginia received full delegation and enforcement responsibility for the National Emission Standards for Hazardous Air Pollutants: Subpart M-National Emission Standard for Asbestos (NESHAPs), as stated in the attached letter to J. L. Worstell from M. J. Bush of the WVAPCC dated August 8, 1986. The WVAPCC Asbestos Removal Notification form does state that a copy of such notice is to be sent to several other agencies, one of which is EPA. However, no time for delivery or receipt of these copies is set forth. Union Carbide posted these copies within a matter of days to the listed agencies.

Finally, on the issue of prior notification, EPA was made aware of this particular asbestos removal project by a telephone conversation between Dennis Hanshew (UCC Engineer) and Steve Copeland (EPA Asbestos Coordinator) on October 9, 1986. Mr. Copeland was contacted in an effort to determine whether the subject project was a renovation or demolition. During this conversation, Mr. Copeland was given a description of the project which included the amount of friable asbestos material involved, the type and location of equipment involved, and the urgency of commencing the project on October 11, 1986 (because of the Unit's downtime and the availability of labor).

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Your letter also states that Union Carbide failed to provide certain required information. We disagree. As indicated in the attached notice to the WVAPCC, information was provided both as to the procedure used and the location of the waste disposal site. The procedures we utilized are those set forth in 40 CFR §61.147, which are designed to prevent emissions of particulate asbestos to the air. All friable asbestos materials were thoroughly and adequately wetted during stripping. Such materials were then placed in properly labeled, leak-tight containers for disposal.

So far as location of the landfill: This was provided indirectly by reference to the RCRA ID number (WVD 005 005 509). Goff Mountain Landfill is located at the intersection of Goff Mountain Road and State Route 25 at Institute, WV 25112. It is well known to EPA.

Union Carbide contends, and the WVAPCC concurs, that all applicable notification requirements were satisfied. Accordingly, the subject Notice of Deficiency should be withdrawn. Please advise the undersigned regarding your decision in this matter.

Very truly yours,

J. L. Worstell
Environmental Protection Coordinator

RAM:cp
0036H

Attachments

CC: R. L. Weser - WVAPCC
D. H. Hanshew - UCC

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RECEIVED

OCT 16 1986

AIR POLLUTION CONTROL COMMISSION

WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-2275 OR 348-3286

ASBESTOS REMOVAL NOTIFICATION

RENOVATION X DEMOLITION _____ DATE October 10, 1986

NAME OWNER/OPERATOR UNION CARBIDE CORPORATION

ADDRESS/PHONE Post Office Box 8004; South Charleston, WV 25303

PHONE # (304) 747-3169

NAME CONTRACTOR POWERHOUSE EQUIPMENT SERVICES

ADDRESS/PHONE Post Office Box 538; Winfield, West Virginia 25213

PHONE # (304) 757-2512

LOCATION OF FACILITY/ADDRESS 437 MacCorkle Avenue, South Charleston, WV

SCHEDULED STARTING AND COMPLETION DATES OF DEMOLITION OR RENOVATION:
STARTING 10-11-86 COMPLETION 10-11-86

IS FACILITY BEING DEMOLISHED UNDER AN ORDER OF A STATE OR LOCAL GOVERNMENT AGENCY? (X) NO ( ) YES

IF YES, WHAT AGENCY - INCLUDE NAME, TITLE AND AUTHORITY: _____

APPROXIMATE AMOUNT OF FRIABLE ASBESTOS CONTAINING MATERIAL(ACM):
500 ft^2 used to cover or coat any duct, boiler, tank, furnace, structural member, etc.
_____ linear ft on pipes
Estimation techniques of amounts of ACM at demolitions for quantities less than 260 linear ft and/or 160 ft^2 _____

DESCRIPTION OF FACILITY: Age ± 40 Size _____
Prior Use No. 19 Batch Still

LOCATION OF ACM IN FACILITY AND METHODS OF PLANNED DEMOLITION OR RENOVATION: The Still is physically located at the Mainland Chemicals Unit (across from Bldg. 82). The still will be removed in sections, due to its size, and will have the insulation (containing asbestos) removed east of Building 224.

UCC 006424

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PROCEDURES TO BE USED TO COMPLY WITH SUBPART M - NATIONAL EMISSION STANDARD FOR ASBESTOS (40 CFR): Procedures set forth in said regulation (61.147) will be adhered to in order to prevent emissions of particulate Asbestos to the air.

LAB TESTING BY: Not Applicable

ADDRESS/PHONE

NAME/LOCATION OF WASTE DISPOSAL SITE: GOFF MOUNTAIN LANDFILL

SITE APPROVED BY DNR: ( ) NO (X) YES Permit #WVD 005 005 509

COMMENTS:

SIGNATURE: J. L. Worstell 10/10/86 TITLE: Environmental Protection Coordinator

In addition to the West Virginia Air Pollution Control Commission, a copy of this notice must be sent to the following agencies:

U. S. Environmental Protection Agency
Region III (3AM22)
841 Chestnut building
Philadelpha, Pennsylvania 19107
Attn: Asbestos/NESHAP Coordinator

Solid Waste Office
Division of Water Resources
WV Department of Natural Resources
1260 Greenbrier Street
Charleston, West Virginia 25311
Attn: Asbestos Coordinator

Asbestos Control
WV Health Department
4877 Brenda Lane
Charleston, West Virginia 25312
Attn: Asbestos Coordinator

UCC 006425

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