WV-0204 #51

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MAINTENANCE DEPT

UNION CARBIDE

ENVIRONMENTAL PROTECTION - SOUTH CHARLESTON PLANT

PLAINTIFF'S EXHIBIT

UC-2105

November 12, 1986

R. L. Foster
C. H. Hancock

Copy: J. F. Dement
J. F. Dodd
EPD Circulate

SUBJECT: Asbestos Notification

The attached is for your information.

There are a number of issues involved which I will explain in more detail at a later date.

In the meantime, we will be talking with the APCC (Federal Asbestos Coordinator for West Virginia) and to Carol Febbo of EPA Region III's Air Enforcement Branch about this, and will follow this up with a written response to Mrs. Wasserman.

Jack

J. L. Worstell

JLW:cp
0590W

Attachment

UCC 006435

Union Carbide trial exhibit UC-2105: J. L. Worstell to R. L. Foster and C. H. Hancock Forwarding EPA Notice of Defi... Published by AsbestosClaims.Law
ACL Doc 17123 · Page 1 of 5 asbestosclaims.law/library/17123/1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

NOV 7 1986

Mr. D.H. Hanshew
Union Carbide Corporation
P.O. Box 8004
South Charleston, WV 25303

NOTICE OF DEFICIENCY: #831410025087

Deficiency in Notice to EPA of Asbestos Demolition or Renovation Operation

Dear Mr. Hanshew:

This is to inform you that the notice of asbestos renovation postmarked October 14, 1986, for the Number 19 Batch Still at Mainland Chemicals Unit which was submitted to the United States Environmental Protection Agency (EPA) was incomplete. Therefore, Union Carbide Corporation has failed to comply with the requirements of 40 C.F.R. § 61.146, and of Section 112 of the Clean Air Act as amended (the Act), 42 U.S.C. § 7412.

Pursuant to Section 112 of the Act, EPA promulgated regulations, known as the National Emission Standards for Hazardous Air Pollutants (NESHAP) for several hazardous air pollutants, including asbestos. The NESHAP for asbestos are contained in the Code of Federal Regulations, Title 40, Part 61, Subpart M (40 C.F.R. §§ 61.140-156). The regulations require that the owner or operator (including a contractor) of a building or facility notify EPA of plans to demolish or renovate a building containing friable asbestos material. The type and extent of information required depends upon the amount of asbestos which is to be removed. The information you are required to submit may be determined by referring to 40 C.F.R. §§ 61.145 and 61.146. The regulations also require the notice to be postmarked or delivered to the Regional Office of EPA within a specified time before the work begins.

The notice Union Carbide Corporation submitted to EPA failed to include the following required information:

. procedures being used to remove the asbestos-containing material.
. location of waste disposal site.

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Also, the notice Union Carbide Corporation submitted to EPA was deficient because it failed to provide the EPA with a notification prior to commencement of the asbestos operation as required by 40 C.F.R. § 61.146(b)(4). The scheduled starting date of the removal was stated as October 11, 1986. However, the notification was postmarked October 14, 1986.

Please submit this information to this office within three (3) days of your receipt of this letter.

Failure to comply with the asbestos NESHAP regulations could result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the Act. Such an action can result in a civil penalty of up to $25,000.00 per day of violation.

In addition, pursuant to Section 113(c)(1)(C), any person who knowingly violates the provisions of Section 112(c), which pertains to violation of certain provisions of NESHAP, is subject to fines of up to $25,000.00 per day of violation, or by imprisonment for not more than one year, or both.

If you have any questions concerning this notice, please contact Carol A. Febbo, Air Enforcement Branch, at (215) 597-9325.

Sincerely,

Cheryl Wasserman

Cheryl Wasserman, Acting Chief
Air Enforcement Branch

cc: Michael Bush
West Virginia Air Pollution
Control Commission

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ACL Doc 17123 · Page 3 of 5 **asbestosclaims.law/library/17123/3**

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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.

APCC APN 2/86

UCC 006438

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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

J. L. Worstell

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 006439

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