UNION CARBIDE

INTERNAL CORRESPONDENCE

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J. W. BIDDLE

CHEMICALS AND PLASTICS • P. O. BOX 8361, SOUTH CHARLESTON, WEST VIRGINIA 25303

To (Name) See Attached Distribution List

Date June 22, 1977

EPA

Originating Dept.

Subject Guidance for Compliance with EPA Asbestos Regulation

PLAINTIFF'S EXHIBIT

UC-3299

Gentlemen:

Enclosed is an outline providing guidance for compliance with Environmental Protection Agency regulation, 40 CFR 61, Hazardous Air Pollutants, as it applies to the removal and disposal of asbestos-containing insulation and the notification of appropriate regulatory agencies.

The outline summarizes key requirements of the regulation and suggests a standard format for use in notifying regulatory agencies.

It is recommended that current location procedures be reviewed and any appropriate changes implemented to conform with specified removal and disposal requirements. It is also suggested that locations within the same EPA Region coordinate the timing for initial notification of the proper regulatory agencies to make the submissions reasonably concurrent (August 1 might be a realistic target date).

It is further suggested that larger locations will find that annual notification on a calendar year basis (in early December of the prior year, except for 1977) using the best estimate of expected activity will minimize their paperwork.

The EPA regulation is in addition to an OSHA standard governing worker exposure (29 CFR, Chapter XVII, Section 1910.1001). However, only EPA requires notification of removal and disposal activities. The cost impact of modifying procedures to meet EPA regulations appears to be quite variable within Chemicals and Plastics, but would seem to be in the range of $100,000 - $200,000 total, on an annual basis.

Any requests for clarification of the plan requirements should be directed to Mr. D. G. Moshier of the Maintenance Operations Team. Copies of the regulation can be provided upon request (they may be found in the Environment Reporter at 121:0461).

RECEIVED
JUL 17 1978
G. F. HURLEY

Sincerely,

R. A. Huber
Maintenance Operations Manager

RAH/w

UCC 000417

DCN [illegible]

Form of Notification [See also Attachment 1 - § 61.22]

NOTICE OF INTENT TO DEMOLISH OR RENOVATE STRUCTURES, EQUIPMENT OR PIPING INVOLVING FRIABLE ASBESTOS INSULATION

(1) Name of Owner Union Carbide Corporation

(2) Address of Owner (Location Street Address)

(3) Description of Facility Various buildings, equipment and piping used in manufacture and distribution of chemicals and plastics. An estimated xx square feet and yy lineal feet of insulation to be removed.

(4) Address of Site (Same as item 2 above)

(5) Scheduled Start and Completion Dates (Either calendar year or other specified dates)

(6) Nature of planned demolition or renovation and methods employed Demolition of obsolete facilities and renovation of existing facilities.

(7) Procedures employed Insulation wetted before removal, lowered to ground, disposed in a site which is (fenced or protected by natural barrier or covered daily).

(8) Name and address of disposal site (Either same as 1 and 2 above or information for contractor site)

(9) Agency ordering demolition Not applicable

Union Carbide trial exhibit UC-3299: R. A. Huber to Distribution List on Guidance for Compliance with EPA Asbesto... Published by AsbestosClaims.Law
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GENERAL NOTES

(1) The regulation applies to friable asbestos which would mean insulation containing more than one percent asbestos by weight which can be reduced to powder, when dry, by hand pressure. Any insulation purchased prior to 1975, containing asbestos as reinforcement, would meet the definition of friable asbestos and be subject to the regulation. New insulation does not contain asbestos.

(2) A standard text for a notification letter and a format for the notice (filled in with standard responses or indication of the type of response) are included.

(3) For locations with a reasonable amount of continuing activity involving insulation removal, paperwork would be minimized and made more routine if notification were made annually (in December for the coming year) using a best estimate of insulation quantities involved. Other locations may find that annual notification is unnecessary.

(4) Recognize that an Occupational Safety and Health Standard, 29 CFR, Chapter XVII, Section 1910.1001, "Toxic and Hazardous Substances" impose certain requirements for personnel equipment, clothing, monitoring, and medical examinations in work areas involving exposure to asbestos dust. There is a certain amount, but not total overlap with the EPA regulation.

(5) The EPA regulation applies to any work done at a facility whether by company or contract personnel. Company personnel involved with contractors should assure that notification responsibility is assigned to the contractor in the work specification, or performed by the company.

(6) It is suggested that disposal sites for asbestos be fenced (but not posted) even where another approved alternative requirement is being met to avoid future problems from uncovering the material inadvertently.

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ATTACHMENT 1

Excerpts from EPA Hazardous Air Pollutant Regulation

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS ON NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

(40 CFR 61; 38 FR 8820, April 6, 1973; Amended by Code of Federal Regulations, Volume 40, Revised as of July 1, 1976; 41 FR 27967, July 8, 1976; 41 FR 33264, August 9, 1976; 41 FR 34629, August 16, 1976; 41 FR 36918, September 1, 1976; 41 FR 40108, September 17, 1976; 41 FR 40467, September 20, 1976; 41 FR 43148, September 30, 1976; 41 FR 44860, October 13, 1976; 41 FR 46559, October 20, 1976; 41 FR 53017, December 3, 1976; 41 FR 54758, December 15, 1976; 41 FR 56805, December 30, 1976)

Subpart A—General Provisions

§ 61.04 Address.

(a) All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 1 North Wacker Drive, Chicago, Illinois 60606.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 63108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 196 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

(b) Section 112(d) directs the Administrator to delegate to each State, when appropriate, the authority to implement and enforce the national emission standards for hazardous air pollutants for stationary sources located in such State. All information required to be submitted to EPA under paragraph (a) of this section, must also be submitted to the appropriate State Agency of any State to which this authority has been delegated (provided, that each specific delegation may exempt sources from a certain federal or State reporting requirement). The appropriate mailing address for those States whose delegation request has been approved is as follows:

F—California:
Bay Area Air Pollution Control District, 939 Ellis Street, San Francisco, CA 94109.

Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, CA 95827.

(L) State of Georgia, Environmental Protection Division, Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334.

(HH)—New York: New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233, attention: Division of Air Resources.

[40 FR 48347, October 15, 1975]

(II) North Carolina Environmental Management Commission, Department of Natural and Economic Resources, Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611. Attention: Air Quality Section.

Subpart B—National Emission Standard for Asbestos

§ 61.22 Emission standard.

(d) Demolition and renovation: The requirements of this paragraph shall apply to any owner or operator of a demolition or renovation operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that is insulated or fireproofed with friable asbestos material, except as provided in paragraph (d)(1) of this section; or who intends to renovate any institutional, commercial, or industrial building, structure, facility, installation, or portion thereof where more than 80 meters (ca. 260 feet) of pipe insulated or fireproofed with friable asbestos material are stripped or removed, or more than 15 square meters (ca. 160 square feet) of friable asbestos material used to insulate or fireproof any duct, boiler, tank, reactor, turbine, furnace, or structural member are stripped or removed.

(2) Written notice of intention to demolish or renovate shall be provided to the Administrator by the owner or operator of the demolition or renovation operation. Such notice shall be postmarked or delivered to the Administrator at least 10 days prior to commencement of demolition, or as early as possible prior to commencement of emergency demolition subject to paragraph (d)(6) of this section, and as early as possible prior to commencement of renovations. Such notice shall include the following information:

(i) Name of owner or operator.

(ii) Address of owner or operator.

(iii) Description of the building, structure, facility, or installation to be demolished or renovated, including the size, age, and prior use of the structure, and the approximate amount of friable asbestos material used for insulation and fireproofing.

(iv) Address or location of the building, structure, facility, or installation.

(v) Scheduled starting and completion dates of demolition or renovation.

(vi) Nature of planned demolition or renovation and method(s) to be employed.

(vii) Procedures to be employed to meet the requirements of this paragraph and paragraph (j) of this section.

(viii) The name and address or location of the waste disposal site where the friable asbestos waste will be deposited.

(ix) Name, title, and authority of the State or local governmental representative who has ordered a demolition which is subject to paragraph (d)(6) of this section.

§ 61.25 Waste disposal sites.

(b) Warning signs shall be displayed at all entrances, and along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited, at intervals of 100 m (ca. 330 ft) or less except as specified in paragraph (d) of this section. Signs shall be posted in such a manner and location that a person may easily read the legend. The warning signs required by this paragraph shall conform to the requirements of 20" x 14" upright format signs specified in 29 CFR 1910.145(d)(4) and this paragraph. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

LEGEND

ASBESTOS WASTE DISPOSAL SITE

Do Not Create Dust

Breathing Asbestos
Is Hazardous to Your Health

Notation

1" Sans Serif, Gothic or Block

¾" Sans Serif, Gothic or Block

14 Point Gothic

Spacing between lines shall be at least equal to the height of the upper of the two lines.

UCC 000420

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