PLAINTIFF'S EXHIBIT

UC-3369

UNION CARBIDE

INTERNAL CORRESPONDENCE

SPECIALTY CHEMICALS DIVISION

Bldg. 3005-256
South Charleston, WV 25303

TO: F. E. Dailey - 580
W. P. Fethke - 323
S. E. Galbreath - Amerchol
J. P. Kennedy - 323
C. T. Lamberth - Katalistiks
J. A. Nelson - Chickasaw, AL
J. E. Pikula - 323
E. T. Voss - CPI
D. A. Watson - Katalistiks
J. L. Worstell - 514

DATE: December 17, 1986

FROM: R. L. Foster

ORIG. DEPT: Environmental Affairs

CC: D. Liebeskind - 500/L
E. D. Southard - 312

SUBJECT: EPA Asbestos Notification

The attached memorandum and correspondence was issued in December 1985 as a reminder to make appropriate EPA Asbestos Removal Notifications as required by regulations. I'm reissuing again in December 1986 as another reminder for 1987.

Bob

R. L. Foster

RLF/rhw
1633K

Attachment

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UNION CARBIDE

INTERNAL
CORRESPONDENCE

UNION CARBIDE CORPORATION OLD RIDGEBURY ROAD, DANBURY, CT 06817

Division Environmental Coordinators
Division Environmental Contacts
Component Coordinators
J. E. Knap - Investment Recovery

December 13, 1984

HS&EA

P-2

J. D. Baker
C. L. Dudnick

Clarification of the Notification Requirements for Renovation of Facilities Containing Friable Asbestos Material

Questions have been raised regarding the timing and the content of the prior notification requirement under the current asbestos NESHAP regulation. Early in October, I contacted two gentlemen in the EPA for clarification of the notification requirement. Both Mr. Simms Roy (EPA's Research Triangle Park) representing the Standards Development Division and Mr. Robert Meyers of EPA Enforcement (Washington, DC) have made it clear that it is EPA's intention to assure complete compliance with the regulation so as to eliminate hazards associated with the removing and handling of asbestos during demolition and renovation activities. While the prior notification requirement is part of this regulation, EPA personnel stress that compliance with the actual workplace practices in removing and disposing of asbestos is the primary purpose for the regulation. After discussing several possible considerations in such a notification requirement, I believe that we should follow a reasonable guideline with regards to the prior notification for renovation[1] under two separate situations: 1) one which includes a "one-time" or "blanket" notification for small, repetitive operations which add or surpass the trigger level or TL[2] (EPA refers to these as planned but unscheduled operations); and (2), an individual event notification whereby a single project may by itself surpass the TL.

Blanket Notification Rationale

If your facility has reason to believe that during the next calendar year it will exceed the TL by adding together the quantities of asbestos removed during repetitive operations, then prior to that calendar year, send a written notification to the Regulatory Agency (EPA or the State, if it has been delegated the NESHAP authority for asbestos) with information, to the best of your knowledge, regarding such activity. While it may be impossible to

(1) This memorandum does not address prior notification for demolition. Depending on the amount of asbestos, the agency must be notified either 10 or 20 days in advance of demolition. See 40 CFR 146(b)(1) and 40 CFR 146(b)(2).

(2) TL is defined as 260 linear feet of pipe or 160 square feet of surface on other equipment.

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specify the exact start and completion dates of said renovation (considering your prediction may be up to 13 months in advance), it would be advisable to say that, because of the nature of your operations, unplanned, but routine renovations make it difficult to predict such exact dates. In such individual cases (none of which by themselves exceeds the TL and therefore would require a notification), the owner of the facility would not notify the EPA or State immediately prior to each specific event unless specifically requested to do so by the Agency. In your blanket notification, you may ask the Agency if it still would like to receive an additional prior notification for each single event. If so, the manner and the timing of such notification should be determined by discussions between the owner/operator of the facility and the Regulatory Agency (e.g., a satisfactory agreement might be the establishment of a telephone call to a 24 hour "hotline").

Individual Event Notification Rationale

A large renovation project (which exceeds the TL by itself) would, by its nature, require substantial preparation (e.g., securing adequate amounts of insulating materials and maintenance personnel). Appropriate planning should allow ample time to make a notification in writing prior to the commencement of such renovation operations. Therefore, for any large single event which, by itself, exceeds the TL, the owner/operator must provide prior notification to the Agency regarding the specific event. The regulations require this notice "as early as possible" prior to commencement of renovation. I suggest a 10-20 day advance notification, similar to notices for demolitions.

Asbestos: Pre-notification Guideline for Renovation Operations

In order to be assured that you comply with a reasonable interpretation of the Asbestos NESHAP regulation, it is necessary to:

1. Provide to the Regulatory Agency before the start of a given calendar year (preferrably December) a notification that during the next calendar year the owner or operator of the facility expects to remove asbestos during various unscheduled operations which in aggregate will be in excess of the trigger level specified in the regulation.

2. Provide the Regulatory Agency with specific information on any large, single project which, by itself, will exceed the trigger limits so specified in the regulation.

Since the prior notification requirement is confusing and at best vague in how to handle small quantity, unscheduled renovations, we believe that compliance with this guidance will provide you sufficient protection in following the intent of the prior notification requirement.

As a reminder of earlier guidance on this issue, I have included a copy of C. L. Dudnick's 4/30/84 letter on the subject. She has also included a new form "C" which is a suggested format for the Blanket Notification letter.

R. F. Kelley

R. F. Kelley

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FORM C

Re: Notification of Unscheduled Renovations at (name of plant: e.g., Texas City, Texas Facility)

Dear Sir:

This is to notify you, as required by the provisions of 40 CFR §61.146, that Union Carbide Corporation, Old Ridgebury Road, Danbury, Connecticut 06817, as owner, expects to engage in unscheduled renovation activities during the coming calendar year which, in the aggregate, are estimated to involve removing 80 linear meters (260 linear feet) or more of friable asbestos on pipes or 15 square meters (160 square feet) or more of friable asbestos used to cover other facility components.

Because the renovation operations are only predicted to occur at Union Carbide's facility located at (address) during the next twelve months, we cannot at this time advise you when each renovation will begin and be completed and how much asbestos will be removed during each renovation. However, we can advise you of the procedures we intend to employ in handling and disposing of the asbestos materials. (Describe in general terms nature of anticipated renovations, methods and procedures to be used as per 40 CFR 61.146 (c)(6) and (7), 61.147 and 61.152.)

All asbestos material will be disposed of at (name and address of site, if known. If not, state you don't know but chosen site will have to meet NESHAPS regulations).

In our opinion, this blanket notification meets the requirements of 40 CFR 61.146 for unscheduled renovation operations. If, however, you would like to receive an additional of each individual unscheduled renovation, please contact (name of employee at plant and position) at (address and phone #), so that mutually acceptable procedures can be arranged.

Very truly yours,

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UNION CARBIDE CORPORATION
[illegible] ROAD DANBURY, CT 06817
LAW DEPARTMENT

April 30, 1984

TO: R. F. Kelley
Environmental Coordinators
J. E. Knap

RE: Notification of Demolition or Renovation of Friable Asbestos Material

U.S. Environmental Protection Agency (EPA) regulations, recently revised and repromulgated at 40 CFR §61.140 et seq.,* restrict and control activities involving the demolition and renovation of certain buildings and equipment which contain asbestos. One of the requirements of these regulations is that advance notice of the demolition or renovation of friable asbestos material be given to the Administrator of EPA.

"Friable asbestos material" is defined as any material containing more than one percent asbestos by weight that hand pressure can crumble, pulverize or reduce to powder when dry. 40 CFR 61.141. "Demolition" is defined as the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations. 40 CFR 61.141. "Renovation" is defined as altering in any way one or more facility components, such as pipe, duct, boiler, tank, reactor, turbine, furnace, or non-load-supporting structural member. 40 CFR 61.141. (Renovation does not include removal of load-supporting structural members, since such removal constitutes demolition.)

Renovations involving stripping and removing from any facility less than 80 linear meters (260 linear feet) of friable asbestos on pipes, or less than 15 square meters (160 square feet) of friable asbestos used to cover any other facility component are exempt from these regulations and no notification need be filed. For the purpose of determining whether a planned renovation operation or an emergency renovation operation falls within this exemption, the

* See 49 Fed. Reg. 13657 (April 5, 1984)

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provisions of 40 CFR 145(d)(1) and (2), respectively, which detail the methods to be used in determining the amount of material involved, govern.

Notifications need to be filed for all other renovation activities, and for all demolition activities,* where friable asbestos materials are involved. However, the nature, content, and timing of the notification differ based on the facts involved.

For demolition activities where the amount of friable asbestos material in a facility (or portion thereof) proposed for demolition is less than 80 linear meters on pipes and less than 15 square meters on other facility components, written notice of demolition activity must be given to the EPA and contain the following information:

1. Name and address of owner or operator;

2. Description of facility being demolished, including age, size, and prior use of facility;

3. Estimated amount of friable asbestos material present (explain estimation techniques);

4. Address (location) of the facility being demolished; and

5. Scheduled starting and completion dates of the demolition.

The written notice must be postmarked or delivered at least 20 days prior to commencement of demolition. 40 CFR 146(b)(2).

For all other demolition activities,* and for all non-exempt renovations, written notice of intention to demolish or renovate must be sent to the EPA, containing the following information:

1. Name and address of owner or operator;

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* This memorandum does not address notification requirements for demolition activities ordered by a state or local governmental agency because the facility is structurally unsound and in danger of imminent collapse. Requirements of 40 CFR 61.146(a), (b)(3),(c) and 61.147(d),(e),(f) and (g) apply in such circumstances.

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2. Description of facility being demolished, including age, size, and prior use;

3. Estimate of approximate amount of friable asbestos material present;

4. Address of the facility being demolished or renovated;

5. Scheduled starting and completion dates;

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

7. Procedures to be employed to meet the substantive requirements of the regulations governing handling and disposal of the asbestos materials. See 40 CFR 61.147 and 61.152; and

8. Name and address of the waste disposal site where the friable asbestos material will be deposited.

The written notice must be postmarked or delivered at least 10 days prior to commencement of demolition, and as "early as possible" prior to commencement of renovation. 40 CFR 61.146(b)(1) and (b)(4).

The exact content of each notice will differ significantly from case to case, and each notice will require some narrative description specific to the individual activity involved. Thus, it is not practical to develop a simple form notice that would be usable in all situations. However, for your convenience, two basic forms have been prepared which, if followed, will allow compliance with the notification requirements with a minimum of effort. Form A is to be used for small demolition activities subject to 40 CFR 61.145(b). Form B should be used for all other demolition and non-exempt renovation activities.

These notices to the Administrator of EPA are required by 40 CFR 61.04(a) to be submitted in duplicate and addressed to the appropriate EPA Regional Office. If the Administrator has delegated the authority to implement and enforce the national emission standard for asbestos to a state or local agency, then that agency must also receive these advance notifications of demolition or renovation. 40 CFR 61.04(b). Since specific delegations may provide that the U.S. EPA need not receive these notifications if the appropriate state or local agency receives them, the delegated agency or Regional U.S. EPA Office should be consulted to determine

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whether both agencies must receive copies. If in doubt, however, send a copy to U.S. EPA.

Should both the Investment Recovery Department and the specific division of Union Carbide responsible for the plant at which demolition or renovation activities will take place be involved with those activities, it would be advisable to coordinate with the Environmental Coordinator for each division so that only one notice is filed for any given activity and each notice that is filed is accurate.

Should you have any questions please contact me.

Very truly yours,

Carol L. Dudnick

CLD/

Enclosures

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FORM A

Dear Sir:

This is to notify you, as required by the provisions of 40 C.F.R. §61.146, that Union Carbide Corporation, Old Ridgebury Road, Danbury, Connecticut 06817, as owner, plans to demolish a (provide description of facility, structure, building or installation, etc., being demolished, including its size, age and prior use) which contains (amount) of friable asbestos material, as (measured)/(estimated). (If estimated, add description of technique used in estimating). The (building, facility, etc.) is located at (address). Demolition is scheduled to begin on (date) and to be completed on (date).

Very truly yours,

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FORM B

Dear Sir:

This is to notify you, as required by 40 C.F.R. §61.146, that Union Carbide Corporation, Old Ridgebury Road, Danbury, Connecticut 06817, as owner, plans to engage in (renovation)/(demolition) activities as described below:

The (building, structure, installation, etc.) to be (demolished)/(renovated) is located at (address). It is approximately (size) and (age), and has been used for (describe past use). (Amount) of friable asbestos materials are present, as (measured)/(estimated).

(Demolition)/(Renovation) is scheduled to begin on (date) and to be completed by (date). (Describe nature of demolition or renovation and method to be employed, e.g. cutting, etc.) [Describe procedures to be employed in the handling and disposal of the asbestos materials. See 40 CFR 61.147 and 61.152].

All asbestos materials will be disposed of at (name and address of waste disposal site).

Very truly yours,

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DIVISION ENVIRONMENTAL COORDINATORS

L. E. Barron	Linde	Danbury - R4650
R. G. Beverly	Metals	Grand Jct., CO - Loc. 250
F. L. Boggs	Agricultural Products	Institute, WV - Loc. 512
J. M. Cleverdon	Catalysts & Process Systems	Danbury - Q1633
O. N. Cunningham	Solvents & Coatings Materials	Danbury - K4435
W. C. Dedeke	Polyolefins	S. Charleston - Loc. 511
V. D. Dutcher	SCM - UCAR Emulsion Systems	Cary, NC
R. L. Foster	S&UI	S. Charleston - Loc. 511
T. A. Gagner	Home & Automotive	E. Hartford, CT. - Loc. 329
R. H. Geise	Electrodes Systems	Parma, OH - Loc. 742
T. E. Graves	Carbon Products	Parma, OH - Loc. 742
A. J. Hart	Medical and Industrial Services.	Indianapolis, IN
R. C. Hazelton	Specialty Polymers & Composites	Marietta, OH - Loc. 314
A. W. Intermill	Carbon Products	Parma, OH - Loc. 742
C. J. Konnerth	Medical Products	Tuxedo, NY - Loc. 242
D. C. Macauley	Ethylene Oxide/Glycol	S. Charleston, WV - Loc. 511
A. M. Nash	Battery Products	Rocky River, OH - Loc. 781
R. C. Odewald	Films/Packaging	Chicago, IL - Loc. 358
J. K. Petros	Engineering & Tech. Services	S. Charleston - Loc. 511
R. D. Smillie	Electronics	Greenville, SC - Loc. 810
E. D. Southard	Specialty Chemicals	Bound Brook, NJ - Loc. 312

DIVISION CONTACTS

J. C. Howell	Carbon Products	Danbury - J4399
J. B. Leverton	Solvents & Coatings Materials	Texas City, TX - Loc. 515
J. S. Berry, Jr.	Agricultural Products	RTP, NC - Loc. 985
R. C. Wise	Solvents & Coatings Materials	Danbury - K4440

COMPONENT COORDINATORS

R. L. Bujalski	General Services	Tarrytown, NY - Loc. 323
C. J. Figarella	UC Puerto Rico, Inc.	San Juan, PR - Loc. 584
R. L. Floyd	Corp. Investment Recovery	S. Charleston, WV - Loc. 511
D. L. Geary	Bushy Run Research Center	Export, PA
W. G. Kahler	Corp. Transportation	Danbury - A1104

AREA COMPANY COORDINATORS

C. D. Camplong	Union Carbide Canada Ltd.	Toronto - Loc. 440
T. J. Hall	Union Carbide Southern Africa	Danbury - P4624
D. E. MacNab	Union Carbide Pan America	Danbury - P4583
R. F. McClurg	Union Carbide Africa & Middle East	Danbury - P4612
J. L. Stahl	Union Carbide Eastern	Hong Kong

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