PLAINTIFF'S EXHIBIT
UC-3426

28(d)

UNION CARBIDE INTERNAL CORRESPONDENCE

RECEIVED
MAY 18 1977
B. H. THOMAS

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

To (Name) Mr. R. A. Huber - 511
Mr. R. D. Stief - 511

Date May 9, 1977

Originating Dept. SHARE

Copy to Mr. F. M. Charles - NYO,22
Mr. N. W. Gaines - 511
Mr. R. C. Hieronymus - 511
Mr. R. T. Kramer - 512
Ms. M. G. Manetti - NYO,46
Mr. A. E. Montagna - NYO,21
Mr. D. G. Moshier - 511
Mr. R. E. Peele - 511
Mr. E. C. Powell, Jr. - 511
Mr. T. P. Raby - 312
Mr. M. D. Seymour - 511
Mr. B. H. Thomas - 511
Mr. D. T. Watters- 511

Subject EPA Asbestos Regulation Proposed Guidance Letter for Location Compliance

Gentlemen:

Enclosed is the draft of a transmittal letter and attachments intended to explain and provide guidance to plant personnel relative to the requirements of the EPA Regulation on Hazardous Pollutants as it applies to asbestos-containing insulation removal and disposal and notification of the proper regulatory agency.

The information and approach were developed by Messrs. Kramer, Moshier, Powell, Seymour, and the writer in several meetings over the past few months. The enclosure represents the recommended course of action by this group. Mr. Powell indicated by letter of March 25 to the writer that Jim Rapp of the Texas City Maintenance Department believes that the added cost burden of compliance will be several times that indicated by the Institute Plant. Therefore, the incremental cost estimated in the transmittal letter has been increased from past values.

We request review and suggested modifications from addressees by June 1, 1977. Following appropriate changes, it is recommended that Mr. Huber issue the letter to Location Maintenance Supervision, Plant Managers, and Location Occupational Health Coordinators. It is also recommended that Mr. Stief issue the guidance (with appropriate transmittal letter modifications) to the proper Construction and Engineering Department personnel (including those who are involved in contract specifications).

Despite our intentions to make the guidance concise, the product is still lengthy. Reviewers are requested to suggest deletions or modifications to reduce the content, as well as any format changes that would make the product more nearly conform to related procedural manuals.

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One proposed deviation from the previously indicated action plan is to eliminate the final step of discussing the intended procedure with an EPA Regional Office following implementation at locations, but prior to official notification of the agency as required in the regulation. Upon reflection, it is the opinion of the writer (but not discussed with the team) that this is an unnecessary complication of the program, with no commensurate benefit. Addressees may also wish to comment on this point.

Sincerely,

F. D. Bess

FDB/klw

Attachment

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DRAFT

UNION CARBIDE INTERNAL CORRESPONDENCE

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

To (Name) See Attached Distribution List

Date May 9, 1977

Originating Dept SHARE

Subject Guidance for Compliance with EPA Asbestos Regulation

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 throughout Chemicals and Plastics, but would seem to be in the range of $100,000 - $200,000 annually.

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).

Sincerely,

R. A. Huber
Maintenance Operations Manager

RAH/w

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GUIDANCE FOR COMPLIANCE WITH EPA ASBESTOS REGULATION

REGULATION AND APPLICABILITY

Regulation - 40 CFR 61, Subparts A and B

Applicability - To the demolition of structures or renovation of equipment and piping that involves removal of more than 160 square feet or 260 lineal feet of insulation containing more than one percent asbestos by weight, either in a single project or a predictable series of projects over the course of one year that are additive to this amount.

OVERALL REQUIREMENTS OF REGULATION

Practices - Comply with defined removal and disposal practices.

Notification - Provide timely notification of EPA.

KEY REQUIREMENTS - REMOVAL PRACTICES

(1) Insulation shall be removed prior to demolition where the demolition would likely damage and expose insulation.

(2) Insulation must be wetted prior to removal and kept wet until disposal is accomplished.

(3) Insulation on pipe or equipment which is to be removed in sections must have exposed surfaces wetted and kept wet during dismantling.

(4) Stripped insulation must not be dropped or thrown to the ground. Dust tight containers or chutes must be used for lowering insulation removed that is more than 50 feet above ground level.

KEY REQUIREMENTS - DISPOSAL PRACTICES

(1) No visible emissions of insulation are allowed in transport to the disposal site.

(2) No visible emissions may result from disposal operations.

(3) For disposal areas one of the following requirements must be met:

  (a) A six-inch earth cover is provided over disposed insulation within 24 hours.

  (b) An effective resinous or petroleum-based dust suppression agent is applied at the end of each operating day.

  (c) A natural barrier adequately deters public access to the site.

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(d) The area is fenced and (20 x 14 inch) warning signs are posted at least every 330 feet. [See Attachment 1, § 61.25]

REQUIREMENTS - EPA NOTIFICATION

Timing - EPA and applicable States are to be notified either:

(a) Annually, or
(b) 10 days prior to planned demolition or renovation, or
(c) As soon as possible after beginning an unplanned (emergency) removal project.

The above notification requirement applies whenever the total amount exceeds 160 square feet of equipment or 260 lineal feet of pipe insulation.

Office to be Notified - [See Attachment 1, § 61.04]

Federal: Director, Enforcement Division
Environmental Protection Agency
(Regional Office City Address)

State: (Applicable only in the following C&P states)
California (Sacramento County)
(Bay Area)
Georgia
New York
North Carolina

Suggested Text of Notification Letter - The attached notification relative to the demolition and/or renovation of facilities containing friable asbestos insulation is provided per requirements of 40 CFR 61, Subpart B, Section 61.22 (d).
Please contact the writer if there are questions concerning information contained in the notification.

Signed

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

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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.

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.

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(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.

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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 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 1860 Lincoln Tower, 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.

(III)—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)(8) of this section, and as early as possible prior to commencement of renovation. 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

½" Sans Serif, Gothic or Block

11 Point Gothic

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

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