PLAINTIFF'S EXHIBIT

UC-2103

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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.

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