UNION CARBIDE CORPORATION P. O. BOX 471, TEXAS CITY, TEXAS 77590

HEALTH, SAFETY & ENVIRONMENTAL AFFAIRS

PLAINTIFF'S EXHIBIT
UC-1066

December 11, 1984

Dr. E. R. Ibert, Ph. D.
Director, Environmental Control
Galveston County Health Dept.
P. O. Box 939
La Marque, TX 77568

Subject: Response to Notice of Violation Dated December 3, 1984, Asbestos Insulation Demolition, No. 2 Powerhouse

Dear Dr. Ibert:

This letter is in response to a Notice of Violation dated December 3, 1984, stemming from an inspection visit by Mr. Jackie Ickes at the No. 2 Powerhouse demolition site.

This citation concerns a piece of 3/4" pipe extending downward from the north side piperack with a small exposed end section of insulation which Mr. Ickes alleges was insufficiently wetted to prevent dusting. The following facts apply:

1. The insulation in question had been wetted down earlier that day by the contractor, although the area of the job site in which the pipe was located was segregated by the tape barriers from where active demolition was taking place at another part of the site at that time. There was no demolition activity at the time in or around this piperack.

2. A sample of the insulation was taken by Mr. Ickes and shared with us at the time of his inspection. He wore a respirator at the time.

   Our qualitative analysis of this sample confirmed the presence of asbestos. A moisture analysis(1) showed 56% moisture content. There was no visible dust associated with this pipe insulation and we are not aware of any specification in the regulation as to the degree of wetness required to establish compliance.

(1) Dried in hot air oven at 105°C for 45 min., weight loss calculated as percent moisture.

We are also unaware of any statement in the regulation that requires the contractor to cover the ends of exposed insulation on piping still in the structure with polyethylene film taped on to cover the ends of the pipes. Mr. Ickes has insisted that this be done and our contractor has endeavored to comply, although some of the pipes are difficult to reach. We believe that the prescribed wetting of the insulation just prior to removal covers the intent of the regulation and that the covering is an additional interpretation by Mr. Ickes which is unjustified by the wording of the regulation.

In view of the arbitrary interpretation of the regulation by Mr. Ickes, we believe the NOV is not substantiated by the facts and request that it be rescinded.

Sincerely,

J. F. Erdmann, P.E.
Environmental Protection Coordinator
(409) 948-5120

JFE/mjb/ID#6364A
JFE:NOV 12384

bcc: Mark De Witt - Kimmins Corp.
C. L. Dudnick - 500 (Law Dept.)
S. J. Footer
W. P. Haskins
J. B. Leverton
F. S. Provenzano
A. P. Yalcinkaya/K. E. Martin

CERTIFIED MAIL: P 674 635 016

RECEIVED

GALVESTON COUNTY HEALTH DISTRICT

AIR CONTROL DIVISION

This is a Notice of Violation of the Regulations of the Texas Air Control Board and/or of the Texas Clean Air Act.

Failure to comply with this notice could subject you and/or your company to remedies set forth in the Act, including penalties of $50.00 to $1000.00 for each violation.

NAME: F. S. Provenzano, Plant Manager

FIRM: Union Carbide Corporation

ADDRESS: P. O. Box 471

TExas City, Texas 77590

Findings: During NESHAP Inspection 2:00 PM, January 7, 1985 of the #2 Powerhouse and butadiene unit, there was exposed friable asbestos insulation that was not adequately wetted. (1) in the Rolloff scrap iron container and (2) at the base of a removed column in violation of 40 CFR sub-part M 61.147 (a)(2) and Texas Air Control Board Rule 101.20.

You are directed to: Comply with all regulations in National Emission Standards for Asbestos sub-part M and all TACB Rules. Reply in writing within ten (10) days of receipt of this Notice as to steps you have taken to correct this violation and to prevent its recurrance.

By Order
Galveston County Health District
Air Control Division

By: Jackie W. Ickes
Date: January 9, 1985

Approved:
E. R. Ibert, Director
Air Control Division

UCTC 10710

PERT — fyi etc etc for the NOV from ICKES 1-9-85

In response to the NOV dated JAN 9 1985 [illegible] asbestos insulation that was [illegible] adequately wetted, Mr. ICKES took samples of the materials in a manner which completely obliterated any possibility of determining the wetness of the materials as he found them. He proceeded to use a squirt bottle containing water and some detergent to wet down the individual pieces of material he then sampled by taking a cork borer plug out of the material. The only value this sample has is for determination of possible asbestos content, since he obviously cannot test the sample for wetness to substantiate his claim that the materials were dry enough to produce air-borne dust as they lay on the ground or in the scrap iron truck bed. We do not comprehend any violation of the conditions of the regulations cited by Mr. ICKES and request that this NOV be withdrawn as having no factual basis.

UCTC 10711

~~Apr 1985~~

GALVESTON COUNTY HEALTH DISTRICT

MAINLAND OFFICE: P. O. BOX 939, LA MARQUE, TEXAS 77568, (713) 938-7221
GALVESTON OFFICE: P. O. BOX 838, GALVESTON, TEXAS 77553, (713) 763-8531

ANIMAL CONTROL
GALVESTON COUNTY COORDINATED COMMUNITY CLINICS
GALVESTON EMERGENCY MEDICAL SERVICE
MOSQUITO CONTROL
POLLUTION CONTROL

PUBLIC HEALTH LABORATORY
PUBLIC HEALTH NURSING
SANITATION
VENEREAL DISEASE CONTROL
VITAL STATISTICS

RECEIVED
APR 30 1985
H.E.A. DEPT.

cc JLG
MDL
JBL
DER
FSP

March 28, 1985

Some positive feed back. Then ha to you and your people on the problem
Sam Foster

Mr. F. S. Provensano
Plant Manager
Union Carbide
3301 5th Avenue S.
Texas City, TX 77590

Dear Mr. Provensano:

The recent efforts of Carbide to correct the problem with asbestos and the long-term management changes to prevent this from ever occurring again have been very, very effective.

On behalf of the Galveston County Health District, I would like to commend you and your staff on the excellent effort in alleviating this problem. I feel that our communication and relationship should be one of positive feed-back as well as negative feed-back.

I therefore will send a copy of this letter to the local press commending Carbide on its effort and sincerely hope that our continued team approach will be propogated.

Sincerely,

Clarence M. Porter, M.D.
Interim Director

CMP:lb

UCTC 10712

TO: JOHN LEVERTON 1-15-85

CC: PERI YALCINKAYA ✓

BOB GILL

RE: INSPECTION OF DEMOLITION SITES (BUTADIENE UNIT, NO 2 POWER HOUSE) BY JACKIE ICKES OF GCACO, MON, JAN 7, 1985

HE ARRIVED ABOUT 1:40 PM WITHOUT PRIOR NOTICE AT BLDG 2 RECEPTION AREA, ASKING TO GO TO BUTADIENE UNIT. I CALLED BOB GILL ON HIS PAGER TO MEET US THERE, GOT A PERSONAL PASS AND A CAR PASS FOR HIM TO DRIVE TO THE SITE, AND WE PROCEEDED TO THE BUTADIENE FACILITY. IT WAS A COOL, BREEZY, SUNNY DAY (WINDS ABOUT 10-15 mph, NORTHERLY, ABOUT 48-50°

AT THE BUTADIENE FACILITY, THE MAIN COLUMNS HAD BEEN REMOVED TO THE FENCED-IN SALVAGE AREA ABOUT 200 YARDS TO THE SOUTH. THE HEAVY CONCRETE COLUMN BASES WITH THE LARGE HOLD-DOWN BOLTS WERE STILL THERE. ICKES FOUND SEVERAL SMALL BLOCKS OF INSULATING MATERIAL WITHIN THE BOLT CIRCLE ON THE GROUND AND DECIDED TO SAMPLE THEM. HIS PROCEDURE WAS WORTHY OF NOTE! HE SPRAYED SEVERAL SELECTED PIECES FROM A HAND-HELD SPRAY BOTTLE (CONTAINING WATER + SOME DETERGENT, HE SAID) UNTIL THE PIECES WERE DRIPPING WET, THEN BORED OUT 2 PLUGS WITH A CORE BORER. PUT THE PLUGS IN SEPARATE PLASTIC SAMPLE BAGS + WROTE UP THE SAMPLE IDENTIFICATION. HE DID NOT OFFER ANY EXPLANATION OF WHY HE DID THIS, NOR THAT SUCH SPRAYING WOULD DESTROY ANY TEST CREDIBILITY AS TO THE DEGREE OF WETNESS OF THE MATERIALS. IT APPEARS HE DID NOT WANT US TO BE ABLE TO RUN TOTAL SOLIDS ON THE MATERIAL TO REFUTE ANY CLAIM HE MIGHT HAVE THAT THE MATERIAL WAS DUSTY AND EMITTING HAZARDOUS PARTICLES AS IT LAY THERE ON THE GROUND. THE AREA WAS GENERALLY WET + MUDDY AS THE

CONSEQUENCE OF RECENT RAINS AND CONTRACTOR SPRINKLING DURING THE ACTIVE EQUIPMENT REMOVALS JUST A FEW DAYS PREVIOUSLY. THERE WAS NO CONTRACTOR ACTIVITY IN THIS AREA AT THE TIME - THEY WERE ALL AT THE FENCED-IN AREA WORKING ON THE COLUMNS TO STRIP INSULATION PRIOR TO CUTTING UP THE COLUMNS INTO MANAGEABLE PIECES FOR REMOVAL TO SALVAGE. BOB GILL HAD MET US AS WE DROVE UP AND OBSERVED ALL THIS.

ICKES THEN SAID HE'D LIKE TO SEE THE FENCED-IN YARD. WE WALKED OVER & OBSERVED THE CREW (ALL SUITED OUT WITH GAS MASKS, HARD HATS, GOGGLES AND WHITE COVERALLS). THEY HAD JUST SPRAYED DOWN A SECTION OF A COLUMN AND SCRAPED OFF A LARGE AREA OF INSULATION, WHICH WAS BEING SHOVELED INTO THE PLASTIC BAGS. ICKES STOPPED THEM, SAYING "THAT STUFF DOESN'T LOOK VERY WET. DON'T SPRAY ANY WATER ON IT, I WANT TO SAMPLE IT" - AND HE PROCEEDED TO TAKE A SAMPLE IN THE SAME MANNER AS BEFORE WITH THE WATER SPRAYING, ETC. THE LABORERS INDICATED SOME DEGREE OF CONFUSION BY THIS.

WE THEN WENT BACK TO HIS CAR AND HE DECIDED TO GO AGAIN TO THE NO. 2 POWERHOUSE SITE. THEY HAD REMOVED ALMOST ALL THE PIPES AND ROCKS AND WERE CUTTING BOILER TUBES AND PLATES OUT OF THE BOILER STRUCTURE. ALL PIPE ENDS IN SIGHT HAD BEEN COVERED WITH P.E. FILM AND TAPED DOWN - THE SAME WAS TRUE AT THE BUTADIENE SITE. HE SEEMED PLEASED THAT IT LOOKED GOOD, BUT THEN HE LOOKED INTO THE SCRAP METAL TRUCK BIN THAT WAS BEING USED TO COLLECT THE SCRAP METAL (IT HAD JUST A FEW PIECES OF [illegible] PIPE IN IT.) HE SAW A COUPLE OF SHORT PIECES OF PIPE STILL COVERED WITH INSULATION IN THE TRUCK BIN AND PROCEEDED TO CLIMB IN AND TAKE SAMPLES FROM

THE PIPES THERE. HE USED THE SAME SPRAYING + BAGGING METHOD AS BEFORE, BUT THIS TIME HE WORE A RESPIRATOR MASK WHEN HE WAS INSIDE THE TRUCK BIN. HE TOOK TWO SAMPLES THERE - ONE WAS APPARENTLY A LOOSE PIECE HE FOUND ON THE BOTTOM OF THE BIN. THE KIMMINS FOREMAN (TONY) WAS PRESENT AND MONA BELLUOMINI CAME ALSO AS ICKES WAS DOING THIS. BOB GILL WAS HERE, ALSO - HE HAD FOLLOWED US FROM THE BUTADIENE SITE, AT MY REQUEST, VIA. IN THE COURSE OF OUR TRAVELS, HE ASKED ABOUT WHETHER KIMMINS HAD SENT IN ANOTHER LETTER TO EXTEND THE DEMOLITION PERIOD BEYOND DEC 31, 1984 AT THE NO. 2 POWERHOUSE. I SAID I'D CHECK IT OUT SINCE I COULD NOT RECALL HOW MUCH EXTENSION KIMMINS HAD PUT IN THEIR 20 LETTER FROM THE PREVIOUS NOV IN OCTOBER. I ALSO ASKED MONA TO CHECK WITH DEWITT OF KIMMINS AND SEE IF THEY COULD GET A LETTER IN TO COVER THE REST OF THE JOB - (TIL 1986, MAYBE?). AS IT TURNED OUT, ICKES WAS CORRECT - DEWITT HAD ONLY STATED WORK TO COVER THRU END OF DEC 1984.

THIS SHOULD SERVE TO PROVIDE YOU WITH THE PERTINENT INFORMATION OF THIS INSPECTION (?) I'LL BE GLAD TO HELP WITH ANY NOV RESPONSES YOU MAY HAVE TO MAKE, AND APPRECIATE YOUR EFFORTS TO GIVE ICKES ALL THE CONSIDERATION HE SO RICHLY DESERVES.

JACK ERDMANN

P.S. AS YOU KNOW, WE HAD 5 DUPLICATE SAMPLES ICKES TOOK + I GAVE THEM TO FIRE MARSHALL FOR ASBESTOS QUALITATIVE DET'N - YOU CAN RUN F ALSO, BUT WON'T MEAN ANYTHING, SINCE HE GET THEM ALL ANYWAY.

UCTC 10715

CERTIFIED MAIL: P 674 635 016

RECEIVED
JAN 10 1985

GALVESTON COUNTY HEALTH DISTRICT

AIR CONTROL DIVISION

RECEIVED
JAN 10 1985
FSP

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By Order
Galveston County Health District
Air Control Division

By: Jackie W. Ickes

Date: January 9, 1985

Approved:
E. R. Ibert, Director
Air Control Division

UCTC 10716