PLAINTIFF'S EXHIBIT
UC-2444

ON CARBIDE CORPORATION
SEBURY ROAD DANBURY CONN 0681
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).

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.

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

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

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,

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,