



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 28 2004

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard Maxwell, Environmental Superintendent
Cytec Industries, Incorporated
2715 Miller Road
Kalamazoo, Michigan 49001

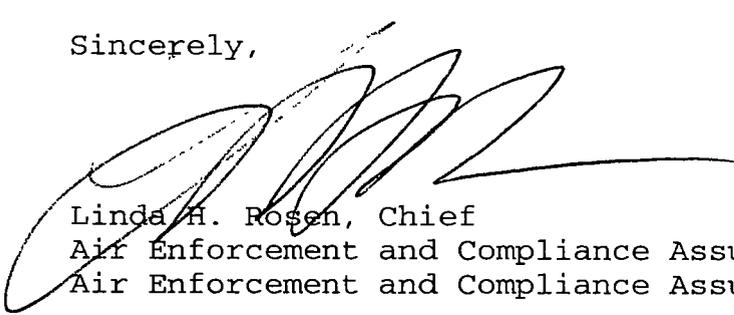
Re: Cytec Industries, Incorporated
Administrative Order

Dear Mr. Maxwell:

Enclosed is a copy of the executed Administrative Order regarding the above captioned case.

If you have any questions about the Order, please contact Rhonda Land at (312) 886-6867.

Sincerely,



Linda H. Rosen, Chief
Air Enforcement and Compliance Assurance Section (MI/WI)
Air Enforcement and Compliance Assurance Branch

Enclosure

cc: Tom Hess, Section Supervisor
Compliance and Enforcement, Air Quality Division
Michigan Department of Environmental Quality

Mary Douglas, District Supervisor
Kalamazoo District Office
Michigan Department of Environmental Quality

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
)
Cytec Industries, Inc.) **Administrative Order**
Kalamazoo, Michigan)
) **EPA-5-04-113(a)MI-6**
)
Proceeding Under)
Section 113(a)(3) of)
the Clean Air Act,)
42 U.S.C. § 7413(a)(3))

Administrative Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Cytec Industries, Inc (Cytec), located in Allegan, Michigan under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. The Stratospheric Ozone Standards, which implement the Stratospheric Ozone Protection provisions in Subchapter VI of the Act, 42 U.S.C. §§ 7671-7671q, are codified at 40 C.F.R. Part 82.

3. The Stratospheric Ozone Standards in 40 C.F.R. Part 82, Subpart F set forth service, maintenance, repair, and disposal requirements for "appliances," as that term is defined under the program.

4. 40 C.F.R. § 82.152, defines "industrial process refrigeration" as complex customized appliances used in the chemical, pharmaceutical, petrochemical and manufacturing industries.

5. 40 C.F.R. § 82.156(i)(2), requires that an owner or operator of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must bring annual leak rates to below 35 percent during a twelve month period.

6. 40 C.F.R. § 82.156(i)(9), requires that an owner or operator of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.

7. 40 C.F.R. § 82.156(i)(3), requires that an owner or operator of industrial process refrigeration equipment perform an initial verification at the conclusion of repair efforts.

8. 40 C.F.R. § 82.156(i)(3), requires that an owner or operator of industrial process refrigeration equipment perform a follow-up verification test within 30 days to ensure that repairs have been successful.

9. 40 C.F.R. § 82.166(k), requires that an owner or operator of appliances normally containing 50 or more pounds of refrigerant keep servicing records documenting the date and type of service, as well as the quantity of refrigerant added.

10. 40 C.F.R. § 82.166(n), requires that an owner or operator of appliances maintain on site and report to U.S. EPA the following information for all leaks that require repair under 40 C.F.R. § 82.156(i)(2) and (i)(5): identification of the facility; the leak rate; the method used to determine the leak rate and full charge; the date a leak rate of greater than the allowable annual leak rate was discovered; the location of leaks(s) to the extent determined to date; any repair work that has been completed thus far; and the date that work was completed.

Findings

11. Cytec owns and operates a chemical manufacturing plant at 2715 Miller Road, Kalamazoo, Michigan (Facility). This plant contains industrial process refrigeration units with a normal charge of over 50 pounds, including Units #1 and #5.

12. The industrial process refrigeration Units #1 and #5 use the class II refrigerant R-22.

13. The industrial process refrigeration Units #1 and #5 experienced leaks between May 1, 2001 and April 3, 2003 that resulted in an annual leak rate exceeding 35 percent.

14. Cytec either failed to perform initial and/or follow-up verification tests pursuant to 40 C.F.R. § 82.156(i)(3) or failed to keep adequate servicing records pursuant to 40 C.F.R. § 82.166(k), documenting the type of service to include the initial and/or follow-up leak verification checks for leaks serviced on the following units on the following days:

Unit #1:

- A. May 31, 2001
- B. July 19, 2001
- C. June 20, 2002
- D. October 21, 2002
- E. April 3, 2003

Unit #5:

- A. November 13, 2002

15. Cytec failed to record the leak rate or the method used to determine the leak rate pursuant to 40 C.F.R. § 82.166(n) after leaks were identified on the following units on the following days:

Unit #1:

- A. May 31, 2001
- B. July 19, 2001
- C. June 20, 2002
- D. October 21, 2002
- E. April 3, 2003

Unit #5:

- A. November 13, 2002

Compliance Program

16. Cytec shall comply with all applicable regulations in 40 C.F.R. Part 82, including but not limited to the service, maintenance, repair, and disposal requirements set forth in Subpart F.

General Provisions

17. This Order does not affect Cytec's responsibility to comply with other local, state, and federal laws and regulations.

18. This Order does not restrict U.S. EPA's authority to enforce Section 608 of the Act, or any other section of the Act.

19. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Cytec's violation of the Stratospheric Ozone Protection Program.

20. Failure to comply with this Order may subject Cytec to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 69 Fed. Reg. 7121 (Feb. 13, 2004) (amending 40 C.F.R. Part 19)

21. The terms of this Order are binding on Cytec, its assignees and successors. Cytec must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Cytec has given the notice.

22. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

23. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

24. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, if Cytec has complied with all of its terms.

9/28/2004

Date



Stephen Rothblatt, Director
Air and Radiation Division
U.S. EPA, Region 5

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent the Administrative Order, EPA Order No. EPA-5-04-113(a) MI-6, by Certified Mail, Return Receipt Requested, to:

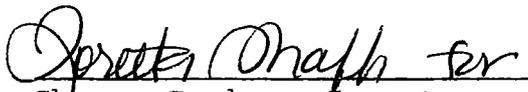
Cytec Industries, Inc.
2715 Miller Road
Kalamazoo, Michigan 49001
Attn: Richard Maxwell, Environmental Superintendent

I also certify that I sent copies of the Administrative Order by first class mail to:

Tom Hess, Section Supervisor
Compliance and Enforcement
Air Quality Division
Michigan Department of Environmental Quality
525 West Allegan Street
P.O. Box 30260
Lansing, Michigan 48933

Mary Douglas, District Supervisor
Kalamazoo District Office
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, MI 49009-5026

on the 28th day of September, 2004.


Shanee Rucker, Secretary
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0390 0004 1558 5380