



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

JUN 24 2005

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeff Tiley, Plant Manager
Arkema, Inc.
17168 West Jefferson Avenue
Riverview, MI 48192

Re: Notice of Violation
Finding of Violation
Arkema, Inc.
Riverview, Michigan

Dear Mr. Tiley:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV)/ and Finding of Violation (FOV) to Arkema Inc. ("Arkema" or "you"). The NOV/FOV is being issued under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that, at your Riverview, Michigan facility, you are in violation of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) From the Synthetic Organic Chemical Manufacturing Industry at 40 C.F.R. part 63, subpart F, and the National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, 40 C.F.R. part 63, subpart H, along with EPA Reference Method 21 (40 C.F.R. part 60 Appendix A), the terms of your Title V permit, and the Michigan State Implementation Plan (SIP).

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings

of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contact in this matter is D.J. Law. You may call him at (312) 886-6024 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,



ACTING

Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Teresa Seidel
District Supervisor
SE Michigan District Office
Michigan Department of Environmental Quality

Tom Hess
Enforcement Unit Chief
Michigan Department of Environmental Quality

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Arkema, Inc.) **NOTICE OF VIOLATION AND**
Riverview, Michigan) **FINDING OF VIOLATION**
) **EPA-5-05-MI-06**
)
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

NOTICE OF VIOLATION AND FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Arkema, Inc. (Arkema) is in violation of Section 112 of the Clean Air Act, 42 U.S.C. § 7412 (the Act). Specifically, we find Arkema in violation of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) From the Synthetic Organic Chemical Manufacturing Industry, 40 C.F.R. part 63, subpart F (subpart F), the National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks, 40 C.F.R. part 63, subpart H (subpart H), along with EPA Reference Method 21 (40 C.F.R. part 60 Appendix A), its Title V Operating Permit, and the Michigan State Implementation Plan (SIP) as follows:

Regulatory Authority

1. Section 113(a) of the CAA, 42 U.S.C. § 7413(a), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of a SIP, permit, or any other rule promulgated, issued or approved under the CAA.
2. Per 40 C.F.R. § 63.100(b), subparts F and H apply to the owner or operator of a chemical manufacturing process unit (CMPU) that:
 - (A) Manufactures as a primary product one or more of the chemicals listed in table 1 of subpart F.
 - (B) Uses as a reactant or manufactures as a product, or co-product, one or more of the organic hazardous air pollutants listed in table 2 of subpart F.

- (C) Is located at a plant site that is a major source as defined in section 112(a) of the Act.
3. Title V of the Act, 42 U.S.C. §§ 7661 et seq., established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the Administrator of U.S. EPA a permit program meeting the requirements of Title V.
 4. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), the Administrator promulgated regulations, subsequently codified at 40 C.F.R. part 70, providing for the establishment of Title V permitting programs.
 5. The regulation at 40 C.F.R. § 70.7(b) prohibits a source, which is subject to 40 C.F.R. part 70, from operating except in compliance with a permit issued under a 40 C.F.R. part 70 program.
 6. U.S. EPA promulgated final approval of the Michigan Title V program on December 10, 2003 (68 Fed. Reg. 63735), and the program became effective on that date.
 7. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to violate any requirement of a permit issued under Title V of the Act.

Arkema's Facility

8. Arkema owns and operates a facility at 17168 West Jefferson Avenue, Riverview, Michigan ("the Facility"). This plant site is a "major source" as defined in Section 112(a) of the Act.
9. At the Facility, Process 21 distills crude alkylamines into mono-, di-, and tri- alkylamines. Process 47 is an alkylalkanolamines production unit. Amines, ethylene oxide, and propylene oxide are reacted in this unit.
10. Triethylamine is a product listed in Table 1 of subpart F with a Group IV designation. Triethylamine is also a reactant listed in Table 2 of subpart F. Therefore, subparts F and H apply to Process 21.
11. Ethylene oxide is a product listed in Table 1 of subpart F with a Group II designation. Ethylene oxide is also a

reactant listed in Table 2 of subpart F. Therefore, subparts F and H apply to Process 47.

12. Process 21 is an "existing source." Per 40 C.F.R. § 63.100(k)(3), Process 21, which is designated Group IV, as defined in Table 1 of 40 C.F.R. Part 63 Subpart F, must comply with the provisions of subparts F and H no later than July 24, 1995.
13. Process 47 is an existing source. Per 40 C.F.R. § 63.100(k)(3), Process 47, which is designated Group II, as defined in Table 1 of 40 C.F.R. Part 63 Subpart F, must comply with the provisions of subparts F and H no later than January 23, 1995.
14. Process 21 and Process 47 are subject to EPA Reference Method 21 Leak Detection and Repair monitoring (40 C.F.R. part 60 Appendix A). See 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1), and 40 C.F.R. § 63.180(b)(1).
15. During an inspection of the Facility on October 25th -27th, 2004, U.S. EPA conducted "leak detection and repair" (LDAR) monitoring on the Process 21 and Process 47 equipment and components per EPA Reference Method 21 (40 C.F.R. part 60 Appendix A).
16. Michigan Department of Environmental Quality (MDEQ) last issued a Title V permit [B2173] for the Facility on December 1, 2003.
17. The Title V permit [B2173] states that at emission unit EUP21DISTILL "the permittee shall implement a hazardous organic NESHAPS (HON) leak detection and repair (LDAR) monitoring program for process equipment at EUP21DISTILL. This LDAR program shall use the following values as its "screening values" (SV): 500 ppm for rotating process equipment (e.g.) agitators and pumps) and 35 ppm for non-rotating process equipment (e.g. valves and connectors).
18. The Title V permit [B2173] defines the flexible group FGRULE628 as the emission units EUP21DISTILL, EUP21STORAGETNKS, EUP21MAA_LOADING, EU21400TANK, and EUP21REACTION.
19. The Title V permit [B2173] states that the emissions units within FGRULE628 are subject to Michigan Air Pollution Control Rule 628.

Violations**Calibration (close to regulated level)**

20. The regulation at 40 C.F.R. § 63.180(b)(4)(ii)(C) specifies requirements for the calibration gas that is to be used for calibrating the Facility's monitoring device.
21. U.S. EPA has found that Arkema calibrates only with 100 ppm and 1000 ppm calibration gases, while most of the Facility's components fall under a 500 ppm leak level concentration rule. The company's calibration is not in compliance with the requirements at 40 C.F.R. § 63.180(b)(4)(ii)(C).
22. By not calibrating the Facility's monitoring instrument and using a calibration gas as specified in 40 C.F.R. § 63.180(b)(4)(ii)(C), Arkema violated 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1).

Find Maximum Leak

23. Leak detection monitoring of components must follow the requirements of Method 21. 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1), 40 C.F.R. § 63.180(b)(1).
24. U.S. EPA has found that Arkema has failed to monitor components at the Facility in accordance with Method 21, and failed to find the maximum leak during LDAR monitoring of valves and connectors for the period of 1996 (when initial monitoring was required under the regulations at issue) to the present.
25. These failures are violations of 40 C.F.R. § 63.163(b)(1), 40 C.F.R. § 63.168(b)(1), 40 C.F.R. § 63.174(a)(1), 40 C.F.R. § 63.180(b)(1), Method 21 of 40 C.F.R. part 60 Appendix A, and 40 C.F.R. § 63.4(a)(1); Arkema's Title V operating permit; and the Michigan SIP requirements.

Open Line

26. Under Arkema's Title V permit and the regulation at 40 C.F.R. § 63.167(a)(1), open ended lines/valves at the Facility are to be plugged or double blocked.
27. U.S. EPA has found that the Facility had open-ended line/valves.

CERTIFICATE OF MAILING

I, Shanee Rucker, do hereby certify that a Request For Information Pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Jeff Tiley, Plant Manager
Arkema, Inc.
17168 West Jefferson Avenue
Riverview, MI 48192

I also certify that I sent a copy of the Request For Information

Pursuant to the Clean Air Act was sent by First Class Mail to:

Teresa Seidel, District Supervisor
SE Michigan District Office
Michigan Department of Environmental Quality
Livonia, Michigan 48152-1006

Tom Hess, Enforcement Unit Chief
Lansing District
Michigan Department of Environmental Quality
Lansing, Michigan 48909-7742

on the 27th day of June, 2005.

Shanee Rucker
Shanee Rucker, Administrative Program
Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 000615586066