



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

SEP 20 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7011 0110 0001 3590 6599

Mr. Jeffry Koenig  
Chief Litigation Counsel  
Cytec Industries Inc.  
5 Garret Mountain Plaza  
West Paterson, NJ 07424

Re: Request for Information pursuant to the Clean Air Act  
Cytec Industries Inc. Fortier Manufacturing Complex, Westwego, Louisiana

Dear Mr. Koenig:

The purpose of this letter is to request a supplement to the information you submitted in response to a Clean Air Act Information Request (Request) issued by the Director of the Compliance Assurance and Enforcement Division, U.S. Environmental Protection Agency, Region 6 (EPA) pursuant to Section 114 of the Clean Air Act, to Cytec Industries, Inc. (Cytec) for the Fortier Manufacturing Complex located in Westwego, Louisiana.

EPA issued the Request to Cytec on August 19, 2010. Cytec submitted its response on November 8, 2010. After a review of the information submitted, EPA has determined that additional information is required. In the enclosure to this letter, EPA has identified the specific information that EPA requires to complete its review. Please provide the information requested within twenty-one (21) days of your receipt of this letter to Amanda Ferguson, at the above address.

If you have any questions or wish to schedule a meeting to discuss this Request, please contact Ms. Ferguson, of my staff, at (214) 665-8420.

Sincerely

A handwritten signature in black ink, appearing to read "John Blevins", written over a large, stylized flourish.

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

cc: Celena Cage  
Louisiana Department of Environmental Quality

Jamie Williams  
Cytec Industries Inc.

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**ENCLOSURE**  
**INFORMATION REQUEST**  
for  
**CYTEC INDUSTRIES INC. (CYTEC)**  
**REGARDING FORTIER FACILITY**

**PART 1 OF 4**  
**AUTHORITY, INSTRUCTIONS, & DEFINITIONS**

**AUTHORITY**

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this request for information (Request) to Cytec Industries Inc. ("Cytec"), to provide certain information regarding the Fortier Plant, located in Westwego, Louisiana (the "Facility"). This request is issued pursuant to Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a), for the purpose of determining Cytec's compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of this information. The Administrator has delegated this authority to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6. Therefore, you are hereby required to provide responses to the questions and requested information regarding the Fortier Facility located in Westwego, Louisiana, as identified in **PART 2** of this Enclosure.

EPA requires Cytec to submit the information requested no later than twenty-one (21) calendar days after receipt of this Request. If information or documents not known or not available to you as of the date of submission of a response to the Request should later become known or available to you, you must supplement your response to EPA within five (5) days. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response within (5) days. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

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

Please be advised that failure to provide the information required by this Request in a timely manner and in accordance with the Request may result in the initiation of a civil action pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b). In addition, Section 113(c) of the CAA provides criminal penalties for knowingly making any false statements or omission in any response required under the CAA. EPA may also seek criminal penalties from any person who knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration

## **CYTEC INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

of any matter within the jurisdiction of EPA or in relation to or contemplation of any such matter or case. See 18 U.S.C. §§ 1001, 1341, 1519.

Any information that you provide in response to the Request may be used in administrative, civil, and criminal proceedings. We request that a duly authorized officer or agent of Cytec certify your response to the Request by signing the enclosed Statement of Certification, provided in **PART 3**, and returning it with your response. For claiming any information you provide as confidential business information, please see **PART 4**.

### **INSTRUCTIONS**

1. Provide a separate narrative response to each question and subpart of a question set forth in the Request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. For each question, identify each person responding to any question contained in the Request on your behalf, as well as each person consulted in the preparation of a response.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
6. Indicate on each document produced in response to the Request, or in some other reasonable manner, the number of the question to which the document corresponds. For electronic documents, see our recommendation in item 8d, below.
7. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
8. EPA requests that you provide all documents responsive to the Request in a searchable electronic format such as Portable Document Format (PDF), saved to a compact disc or flash drive, rather than hard copy.

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### **PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS**

- a. When specific questions request data in electronic spreadsheet form to be provided, the data and corresponding information should be provided in editable Excel or Lotus format, not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
- b. When specific questions request electronic maps of the facility, the maps should be provided in electronic desktop geographical information system (GIS) shapefiles compatible with ArcView GIS 9.3, instead of PDF.
- c. Each document provided in electronic form, whether image or editable spreadsheet format, or GIS shapefiles, must still be provided in accordance with those instructions for submittal of documents as outlined above (e.g., each PDF document should include all enclosures/attachments associated with the document, or a reference page added to indicate that a separate PDF document is provided as the enclosure/attachment so referenced).
- d. For each compact disc or flash drive containing electronic documents submitted in response to the Request, a table of contents for the electronic documents on individual and/or multiple discs/drives must be provided so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of file folders organized by question number.* In addition, each compact disc or flash drive should be labeled appropriately (e.g., Company Name, Disc 1 of 4 for Information Request Response, Date of Response).
- e. To facilitate appropriate records management, we request that confidential business information and non-confidential information be submitted on separate disks/drives. Please also mark each page that is confidential business information as such.

### **DEFINITIONS**

All terms used in the Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401, 40 C.F.R. Part 52 (which incorporates the Federally-approved State Implementation Plan), other CAA implementing regulations, or otherwise defined herein.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, draft or final, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of

## **CYTEC INFORMATION REQUEST**

### ***PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS***

illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
3. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
4. The terms "you" or "yours," as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

**ENCLOSURE  
INFORMATION REQUEST  
for  
CYTEC INDUSTRIES INC. (CYTEC)  
REGARDING FORTIER FACILITY**

**PART 2 OF 4  
QUESTIONS AND INFORMATION SPECIFIC TO  
FORTIER FACILITY**

1. Please provide all documents that pertain to the following projects:
  - a. Project #603108 (B-31)
  - b. Project #605117 (K-31)
  - c. Project #606074 (X-41)
  - d. Project #605443 (Air Preheat Duct)
  - e. Project #608346 (X-12)
  - f. Project #610685 (Regen)
  - g. Project #614067 (B-31)

**ENCLOSURE  
INFORMATION REQUEST  
for  
CYTEC INDUSTRIES INC. (CYTEC)  
REGARDING FORTIER FACILITY**

**PART 3 OF 4  
STATEMENT OF CERTIFICATION**

**STATEMENT OF CERTIFICATION**

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**ENCLOSURE**  
**INFORMATION REQUEST**  
for  
***CYTEC INDUSTRIES INC. (CYTEC)***  
***REGARDING FORTIER FACILITY***

**PART 4 OF 4**  
***CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS***

**Assertion Requirements**

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the CAA and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

**Substantiation Requirements**

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so;

## **CYTEC INFORMATION REQUEST**

### **PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to

## **CYTEC INFORMATION REQUEST**

### **PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. "Emission data" means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission that has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A),(B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.