



**New York State Department of Environmental Conservation  
Permit Review Report**

**Permit ID: 8-3224-00108/00116**

**Renewal Number: 2**

**08/30/2017**

**Facility Identification Data**

Name: PACTIV LLC

Address: 5250 NORTH ST  
CANANDAIGUA, NY 14424-1095

**Owner/Firm**

Name: PACTIV LLC

Address: 1900 WEST FIELD CT  
LAKE FOREST, IL 60045, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

Name: KIMBERLY A MERCHANT

Address: 6274 EAST AVON-LIMA RD

AVON, NY 14414-9519

Phone:5852262466

Division of Air Resources:

Name: Ryan J Tomko

Address: NYS DEC

6274 East Avon – Lima Rd

Avon, NY 14414-9519

Phone:5852265319

Air Permitting Contact:

Name: BRIAN R CHAPPELL

Address: PACTIV LLC

5250 NORTH ST

CANANDAIGUA, NY 14424

Phone:5853933346

**Permit Description**

**Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

Application for renewal of Air Title V Facility.

**Attainment Status**

PACTIV LLC is located in the town of CANANDAIGUA in the county of ONTARIO.



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The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

<b>Criteria Pollutant</b>	<b>Attainment Status</b>
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	TRANSPORT REGION (NON-ATTAINMENT)
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

\* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

\*\* NOx has a separate ambient air quality standard in addition to being an ozone precursor.

**Facility Description:**

The facility produces plastic packaging products via operations such as extrusion, thermoforming, material handling, etc.

**Permit Structure and Description of Operations**

The Title V permit for PACTIV LLC

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

PACTIV LLC is defined by the following emission unit(s):

Emission unit UFOAMS - This unit includes Polystyrene foam extrusion, roll storage, thermoforming processes and onsite finished goods storage including RMC.



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Emission unit UFOAMS is associated with the following emission points (EP):

CST01, CST02, CST03, CST04, CT004, EV001, UP100

Process: BAK is located at Building OUTSIDE - This process includes periodic RTO bakeout operations to remove oligomers and plastic residue in NESTEC and Crawford RTOs.

Process: EX1 is located at 1,2,3,6, Building 1 - This process includes the foams extruders in numerous buildings that emit fugitive emissions.

Process: PCM is located at 2,3,6, Building 2 - This process includes the application of insignificant quantities of ink to plastic product for product counting purposes.

Process: R01 is located at GROUND, Building OUTSIDE - This process includes the reclaim extruder fluff feed bins and fluff silos fed from scrap foam grinders and thermoforming choppers. PM associated with this process is vented to a series of dust collectors that exhaust to Nestec Regenerative Thermal Oxidizer CT005.

Process: R03 is located at Building OUTSIDE - This process includes all operations controlled via the Crawford RTO (CT004) as well as uncontrolled emissions from the underwater pelletizers. These operations include four reclaim extruders (lines 151,152,153 and 154) for FOAMS. When running OPS reclaim, this process is an exempt activity consistent with 6NYCRR Part 201-3.2(c)(36).

Process: RST is located at 5,7, Building 5 - This process includes the foam roll storage operations.

Process: T01 is located at Building UST - This process includes the blowing agent underground storage tanks.

Process: TF1 is located at 1,2,3,6, Building 1 - This process includes the foams thermoforming operations.

Emission unit UOPSEX - This unit include extrusion line ovens and packaging.

Emission unit UOPSEX is associated with the following emission points (EP):

OPS03, OPS12

Process: OPS is located at MAIN, Building 4 - THIS PROCESS INCLUDES THE TWO OPS EXTRUSION LINE OVENS AT THE FACILITY. THE PRIMARY EMISSIONS ARE VOC AND HAP.

Process: PCS is located at Building 1 - This process includes the application of insignificant quantities of ink to plastic product for product counting purposes.

Emission unit UPYROL - This unit includes die cleaning.

Emission unit UPYROL is associated with the following emission points (EP):

BERRI

Process: PYR is located at MAIN, Building 2 - This process includes die cleaning operations to melt residual plastic left in the extruder dies. There are minor emissions of VOC, Particulate Matter, and HAP



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Emission unit USOLID - This unit includes solid and scrap material handling operations.

Emission unit USOLID is associated with the following emission points (EP):

CD-53, CD-54, CR-01, CR-02, CR-03, CR-04, CRT01, CRT02, CS100, CS101, CS102, CS103, CS104, CS105, CS106, CS201, CV-01, CV-02, CV-03, CV-04

Process: CR1 is located at GROUND, Building OUTSIDE - This process includes the OPS polystyrene transfer system from railcar to unloader with associated fabric filter control. Resin is ultimately transferred from the unloader to silos that are equipped with a control device. The emissions of concern are particulate matter.

Process: CS1 is located at Building SILO - This process includes the polystyrene transfer system from railcar to unloader that is equipped with a control device. Resin is ultimately transferred to silos that are not equipped with a control device. The emissions of concern are particulate matter.

Process: CS2 is located at Building SILO - This process includes the reprocessed polystyrene pellet (RPP) transfer system from the reclaim extruders to silos that are not equipped with a control device. The emissions of concern are particulate matter.

Process: M53 is located at MAIN, Building 1 - This process includes the reclaim extruder line 153 feed bin and associated fabric filter control. The emissions of concern are particulate matter. This process covers OPS reclaim transfer.

Process: M54 is located at MAIN, Building 1 - This process includes the feed for the line 154 reclaim extruder and associated fabric filter control. The only pollutant emitted is particulate matter. The process covers the transfer of OPS reclaim.

Process: UB1 is located at Building 1 - This process includes foam extruder use bins and associated fabric filter controls. The emissions of concern are particulate matter.

Emission unit USURFA - This unit includes plastic coating operations.

Process: FOG is located at 8-1,1,4, Building 8-1 - This process includes the application of antifog clear coating to the plastic product. Minor amounts of VOC are emitted in the process.

Emission unit USILIC - This unit includes silicone coating operations for the OPS lines that are fugitive sources.

Process: SIL is located at MAIN, Building 4 - This process includes silicone clear coating operations for the OPS and MFPP extrusion lines and thermoforming lines. Minor amounts of VOC are emitted from these fugitive sources.

Emission unit UEMGEN - This unit contains emergency RICE units

Emission unit UEMGEN is associated with the following emission points (EP):  
EDF01, EDF02, EDF03, EDF04, ENG01



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Process: EXG is located at NPH, SPH, RMC, Building NPH - This process includes existing CI and SI emergency RICE subject to 40 CFR 63 Subpart ZZZZ.

**Title V/Major Source Status**

PACTIV LLC is subject to Title V requirements. This determination is based on the following information: The facility is a major source of VOC emissions.

**Program Applicability**

The following chart summarizes the applicability of PACTIV LLC with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	NO
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

**NOTES:**

**PSD** Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NSR** New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

**MACT** Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.



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**NSPS** New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

**Title IV Acid Rain Control Program** (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

**Title VI Stratospheric Ozone Protection** (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

**RACT** Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

**SIP** State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

**SIC Code**

**Description**

3086  
3089

PLASTICS FOAM PRODUCTS  
PLASTICS PRODUCTS, NEC

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

**SCC Code**

**Description**



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2-02-001-01	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL(DIESEL) Turbine
3-08-010-02	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISC PLASTIC PRODUCTS - PLASTIC PRODUCTS MANUFACTURING
3-08-010-05	PLASTIC PRODUCTS MFG: EXTRUDER RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISC PLASTIC PRODUCTS - PLASTIC PRODUCTS MANUFACTURING
3-08-999-99	PLASTIC PRODUCTS MFG - FOAM PRODUCTION: GENERAL PROCESS RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS - OTHER NOT SPECIFIED Other Not Classified
4-02-022-01	SURFACE COATING OPERATIONS SURFACE COATING OPERATIONS - PLASTIC PARTS Coating Operation
4-02-999-96	SURFACE COATING OPERATIONS SURFACE COATING OPERATIONS - MISCELLANEOUS Specify in Comments Field
4-05-005-99	PRINTING/PUBLISHING PRINTING/PUBLISHING - GENERAL
4-07-016-07	INK THINNING SOLVENT - OTHER NOT SPECIFIED ORGANIC CHEMICAL STORAGE ORGANIC CHEMICAL STORAGE - FIXED ROOF TANKS - ALKANES (PARAFFINS) Isopentane: Breathing Loss

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

<b>Cas No.</b>	<b>Contaminant</b>	<b>PTE lbs/yr</b>	<b>PTE tons/yr</b>	<b>Actual lbs/yr</b>	<b>Actual tons/yr</b>
000106-99-0	1,3-BUTADIENE	2.93			
000098-86-2	1-PHENYLETHANONE	15.59			
000075-07-0	ACETALDEHYDE	110.32			
000071-43-2	BENZENE	1.95			



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000098-82-8	BENZENE, (1-METHYLETHYL)	5.17	
000630-08-0	CARBON MONOXIDE	47698	4413
000075-09-2	DICHLOROMETHANE	0.61	
000071-55-6	ETHANE, 1,1,1-TRICHLORO	6.09	
000100-41-4	ETHYLBENZENE	10.69	
000050-00-0	FORMALDEHYDE	65.3	
068606-21-3	GLYCOLS, C10-16	1080.09	
007439-92-1	LEAD	955	91
000067-56-1	METHYL ALCOHOL	37.71	
000074-87-3	METHYL CHLORIDE	1.05	
0NY210-00-0	OXIDES OF NITROGEN	69604	5795
0NY075-00-0	PARTICULATES	51811	17760
000127-18-4	PERCHLOROETHYLENE	0.18	
0NY075-00-5	PM-10	51811	17760
000123-38-6	PROPIONALDEHYDE	9.03	
000100-42-5	STYRENE	1575.62	
007446-09-5	SULFUR DIOXIDE	20495	3885
000108-88-3	TOLUENE	79.05	
0NY998-00-0	VOC	1302000	712841
001330-20-7	XYLENE, M, O & P MIXT.	26.81	

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)**

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)**

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based





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on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

- Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**  
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**  
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)**  
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item H: Severability - 6 NYCRR Part 201-6.4(a)(9)**  
If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.
- Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)**  
All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:
- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;



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- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item K: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.



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**Item L: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

- (a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
  - (2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;
  - (3) During the period of the emergency the facility owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - (4) The facility owner or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- (b) In any enforcement proceeding, the facility owner or operator seeking to establish the occurrence of an emergency has the burden of proof.
- (c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item\_02

**Item B: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a



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permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
FACILITY	ECL 19-0301	54	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 63-ZZZZ	39	Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 64	40	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	55	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 41, 42	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement



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FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(2)	23	Operational Flexibility - Protocol
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 201-6.4(g)	24	Permit Shield
FACILITY	6NYCRR 201-7.1	25	Emission Capping in Facility Permits
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	28	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 212-1.6(a)	29	Limiting of Opacity
FACILITY	6NYCRR 212-2.1(b)	30	Conditions should be cited under Table 3 or Table 4, 212-2.3 (a) or (b)
FACILITY	6NYCRR 212-2.3(b)	56	State Air Program Non-Criteria air contaminants subject Table 4
FACILITY	6NYCRR 212-2.4(b)	31	Control of Particulate from New and Modified Process Emission Sources
U-FOAMS/-/R01/CT005	6NYCRR 212-3.1(c)(4)(i)	46, 47	RACT compliance plan control limits for Capture and Control
U-FOAMS/-/R03/CT004	6NYCRR 212-3.1(c)(4)(i)	48, 49	RACT compliance plan control limits for Capture and Control
U-FOAMS	6NYCRR 212-3.1(c)(4)(ii)	45	Waiver provision from the capture and control requirements or surface coating limits
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
U-EMGEN	6NYCRR 225-1.2(g)	43	Sulfur-in-Fuel Limitations
U-EMGEN	6NYCRR 227-1.3(a)	44	Smoke Emission Limitations.
U-SILIC	6NYCRR 228-1.1(a)(3)	51	Once in always in
U-SURFA	6NYCRR 228-1.1(a)(3)	53	Once in always in
FACILITY	6NYCRR 228-1.3(a)	32	Surface Coating General Requirements- Opacity
FACILITY	6NYCRR 228-1.3(b)	33	Surface Coating General Requirements- Recordkeeping
FACILITY	6NYCRR 228-1.3(c)	34	Surface Coating



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FACILITY	6NYCRR 228-1.3(d)	35	General Requirements- Prohibitions Surface Coating
FACILITY	6NYCRR 228-1.3(e)	36	General Requirements- Handling, storage and disposal Surface Coating - General control requirements (Class A & most B)
FACILITY	6NYCRR 228-1.3(e)(2)	37	Use of 55 gallons of non-compliant coating
U-SILIC	6NYCRR 228-1.4(d)(3)	52	VOC limits for Paper Film & Foil coatings
U-FOAMS/-/T01	6NYCRR 229.3(e)(2)(iv)	50	Volatile organic liquid storage tanks
FACILITY	6NYCRR 231-2.6	38	Emission reduction credits

**Applicability Discussion:**

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.



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6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.



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6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 201-6.4 (g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calENDar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

This Part lists the regulated substances and there applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or





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repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, PACTIV LLC has been determined to be subject to the following regulations:

40 CFR Part 63, Subpart ZZZZ

This regulation defines performance standards for stationary reciprocating internal combustion engines.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

6 NYCRR 201-6.4 (f) (2)

6 NYCRR 201-7.1

This section of Part 201-7 specifies the criteria that need to be met in order to restrict emissions to avoid Title V or other applicable requirements using federally enforceable permit conditions permit.

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 212-1.6 (a)

This provisions requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.



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6 NYCRR 212-2.1 (b)

This provision applies to any air contaminant not listed on the High Toxicity Air Contaminant List (HTAC) and states the facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in Subdivision 212-2.3(a), Table 3 - or Table 4.

6 NYCRR 212-2.3 (b)

Table 4 of 212-2.3 describes the reduction in emissions required for a non-criteria air contaminant based on its uncontrolled emission rate. The uncontrolled emission rate in conjunction with the assigned environmental rating determines the degree of controlled applied.

6 NYCRR 212-2.4 (b)

Particulate emissions from any process emission source, which received a B or C Environmental Rating, and for which an application was received by the department after July 1, 1973 are restricted to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

6 NYCRR 212-3.1 (c) (4) (i)

This provision states that owners and/or operators of emission points subject to Part 212-3 operating prior to October 20, 1994 must submit a compliance plan to the department. The compliance plan must demonstrate that the VOC emission points are equipped with a capture system and a control device with an overall removal efficiency of at least 81 percent.

6 NYCRR 212-3.1 (c) (4) (iii)

This provision states that if owners and/or operators can show to the satisfaction of the department that an emission point cannot achieve an overall removal efficiency of 81 percent or use coatings not exceeding 3.5 pounds VOC per gallon as applied (minus water and excluded VOC) for reasons of technological or economic feasibility, the department may accept a lesser degree of control upon submission of satisfactory evidence that the facility owner or operator will apply reasonably available control technology.



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6 NYCRR 225-1.2 (g)

6 NYCRR 227-1.3 (a)

6 NYCRR 228-1.1 (a) (3)

This citation dictates that any coating line, which is or becomes subject to the requirements of this regulation, will remain subject to its requirements even if the reason they were subject later falls below the applicability threshold.

6 NYCRR 228-1.3 (a)

This citation prohibits owners or operators of emission sources from allowing emissions to the outdoor atmosphere, which reduce the visibility through the atmosphere by 20 percent or greater for any consecutive six-minute period.

6 NYCRR 228-1.3 (b)

6 NYCRR 228-1.3 (c)

6 NYCRR 228-1.3 (d)

This citation directs the owners or operators of coating operations to minimize the emissions of volatile organic compounds to the atmosphere by properly handling, storing and disposing of coatings containing volatile organic compounds.

6 NYCRR 228-1.3 (e)

6 NYCRR 228-1.3 (e) (2)

This citation allows any facility to use up to 55 gallons of coatings (facility wide) on a 12-month rolling total basis which does not comply with the VOC content limits required by the regulation.



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6 NYCRR 228-1.4 (d) (3)

6 NYCRR 229.3 (e) (2) (iv)

This section requires a tank with submerged fill for storage of volatile organic liquids

6 NYCRR 231-2.6

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

The requirements and criteria for creating and certifying emission reduction credits (ERCs) are set forth in section 231-2.6.

**Non Applicability Analysis**

**List of non-applicable rules and regulations:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>
U-FOAMS/-/BAK	6 NYCRR Subpart 227-1	Stationary Combustion Installations
Reason: This is a process source and is therefore not subject to 6 NYCRR Part 227-1.		
U-FOAMS/-/R01	6 NYCRR Subpart 227-1	Stationary Combustion Installations
Reason: This is a process source and is therefore not subject to 6 NYCRR Part 227-1.		
U-FOAMS/-/R03	6 NYCRR Subpart 227-1	Stationary Combustion Installations
Reason: This is a process source and is therefore not subject to 6 NYCRR Part 227-1.		
U-OPSEX/-/OPS	6 NYCRR Subpart 227-1	Stationary Combustion Installations



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Reason: This is a process source and is therefore not subject to 6 NYCRR Part 227-1.

FACILITY                                    6 NYCRR Subpart 227-2     Reasonably available control technology for NOx

Reason: This facility is not a major source of NOx emissions, therefore no sources are subject to 6 NYCRR Part 227-2.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

**Compliance Certification**  
**Summary of monitoring activities at PACTIV LLC:**

<b>Location</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
<b>Facility/EU/EP/Process/ES</b>		
FACILITY	40	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	23	record keeping/maintenance procedures
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	work practice involving specific operations
FACILITY	7	record keeping/maintenance procedures
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	30	record keeping/maintenance procedures
FACILITY	56	record keeping/maintenance procedures
FACILITY	31	monitoring of process or control device parameters as surrogate
U-FOAMS/-/R01/CT005	46	continuous emission monitoring (cem)
U-FOAMS/-/R01/CT005	47	intermittent emission testing
U-FOAMS/-/R03/CT004	48	intermittent emission testing
U-FOAMS/-/R03/CT004	49	monitoring of process or control device parameters as surrogate
U-FOAMS	45	work practice involving specific operations
U-EMGEN	43	work practice involving specific operations
U-EMGEN	44	monitoring of process or control device parameters as surrogate
FACILITY	32	monitoring of process or control device parameters as surrogate
FACILITY	33	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
FACILITY	36	record keeping/maintenance procedures
FACILITY	37	record keeping/maintenance procedures



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U-SILIC	52	monitoring of process or control device parameters as surrogate
FACILITY	38	record keeping/maintenance procedures

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**Basis for Monitoring**

6 NYCRR 201-7.1 - This sets VOC emissions caps.

(1) limit/cap of 651 tons of VOC per year.

(2) limit of 5562 tons of polystyrene for lines 108,109, 116 and 117. Mobil/Tenneco/Pactiv has upgraded the speed of several extrusion lines over a 15 year period from the mid 1990's until ~2010 . The potential emissions increase from each separate project was determined with respect to applicability to New Source Review. Each project, whether it was one new line or a series of planned line upgrades, was compared to the previous 2 year extrusion output baseline to calculate the total increase of VOCs at the plant as a result of the extrusion increase. Over the years, conditions were placed on the foam's-plant facility permit limiting four lines to less than 5562 tons per year of polystyrene processed per year (each). This limit ensured that each proposed project would not exceed the Part 231 applicability threshold of 40 tons per year.

6 NYCRR 212-1.6 (a) - Monitoring of opacity. The facility is responsible to ensure that the emissions from any of their stacks do not exceed 20% opacity. Visual observations of the emissions will be conducted monthly during typical operations for the associated emission source, process, etc during periods of operation. Any time excess emissions occur for an extended period of time, the facility will be required to perform a Method 9 assessment to determine if the opacity requirement is met. If opacity is not met the facility must perform corrective actions

6 NYCRR 212-2.3(b) - Non-criteria air pollutant degree of cleaning. The facility is required to ensure that emissions of air pollutants meet a certain degree of air cleaning based on the air pollutant and its environmental rating. Engineering emission estimates, mass balances, process flows, production records, control equipment parameters, etc. will be monitored to ensure compliance with the degree of air cleaning required. The facility is responsible for continuous compliance with the degree of air cleaning required for non-criteria air pollutants. Records shall be kept on site and reports are submitted to the department annually.

6 NYCRR 212-2.4 (b) - The facility will confirm that during source operation all pertinent parameters (whether used to directly calculate particulate emission rate, or as surrogates) are within ranges that ensure compliance with the particulate emission rate of 0.050 grains of particulate per cubic foot.

6 NYCRR 228-1.3 - General requirements for coating line processes at the facility. This includes limiting opacity of the emissions from coating line processes, recordkeeping requirements, handling, storage and disposal of volatile organic compounds. This section also specifies control requirements for emissions of volatile organic compounds including coating application techniques.

6 NYCRR 212-3.1 - Pactiv has performed a RACT (Reasonably Available Control Technology) analysis which details the technological and economical infeasibility of controlling some emissions of VOCs per the Part 212 RACT requirement of 81% capture and control. Based on the RACT analysis provided, control of the fugitive emissions from roll storage, extrusion and thermoforming would is not feasible. The RACT demonstration calculates a cost per ton of VOC removal using 554.7 tons of VOC/year as the denominator in a cost/ton calculation. This yearly emissions rate of uncontrolled VOC is an enforceable limit/cap. Pactiv cannot exceed this limit without an approved, updated RACT analysis and a Title V major modification.



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6 NYCRR 227-1.3(a) - Monitoring of opacity. The facility is responsible to ensure that the emissions from their emergency generator do not exceed 20% opacity. Visual observations of the emissions will be conducted once each time the emergency generator is in operation, including testing. Any time excess emissions occur for an extended period of time, the facility will be required to perform a Method 9 assessment to determine if the opacity requirement is met. If opacity is not met the facility must perform corrective actions

6 NYCRR 229.3(e)(2)(iv) - Volatile Organic Liquid storage tank requirements. This requires that the storage tanks be equipped with submerged fill.