Commonwealth of Kentucky
Division for Air Quality

RESPONSE TO COMMENTS

TITLE V DRAFT NO. V-04-015
PACTIV CORPORATION
WURTLAND, KY.
February 07, 2005
CAROLINA ALONSO, REVIEWER
Plant I.D. # 21-089-00014
Application Log # 51263

Permit Statement of Basis

Emissions (page 2 of Draft Statement)

Comment:
1) Add language explaining the solvent recovery process.
Pactiv requests this addition to provide context to the emissions control process.

Response:
The Division will change the requested language to read as follows:

> "The capture efficiency of the Recovery System is 96% and the control efficiency of the control equipment is 99.1%. In addition to the stack emissions from the carbon beds, the process has fugitive emissions that contribute to the total plant emission of methylene chloride. The solvent recovery process is divided into process points for estimating fugitive emissions:
>
> 02 (07) Polypropylene Foam Extrusion Line
> 03 (02) Solvent Recovery System,
> 04 (05) Solvent Make-up System,
> 05 (08) Decanting System,
>
> Each emission point represents equipment in the same general area. Separate emission factors are not given for each process unit."

Emissions (pages 3-4 of Draft Statement)

Comment:
2) Change language concerning Storage Tanks B and C
Pactiv requests the deletion of Storage Tank B because the facility will not use it.
Pactiv requests the deletion of Storage Tank C because Compound A is not a regulated substance and, thus, should not be covered under the Title V permit.

Response:
Storage Tanks B and C will not be deleted from either the Statement of Basis or the permit. Tanks B and C are in the application submitted by the source and were not included as insignificant activities on form DEP7007DD. Please note that the draft permit states that Compound A is not a regulated air pollutant.

Methylene Chloride Emissions Testing

Comment:
3) Delete references to testing for fugitive emissions
Pactiv requests this change because stack testing is sufficient to demonstrate compliance with air regulations. Stack testing will demonstrate the capture efficiency and the control efficiency of the solvent recovery system to identify stack emissions and total fugitive emissions.

Pactiv agrees with the *Policy Manual of the Division of Air Pollution Control*, Section III(10): "When carbon adsorbers are used, it is not necessary to determine capture efficiency since the VOC recovered can be compared directly to the emission standard." Thus a material balance calculation should be made.

Response:
Comment acknowledged, change made.

Comment:
4) Change text about time period within which stack testing must be performed to the following: "The stack testing must be carried out within sixty (60) business days of the Division's approval of Pactiv's testing protocol."
Pactiv requests this language to clarify that it cannot perform the stack testing until it has received approval from the Division.

Response:
The time period for performing stack test will not be changed. Pursuant to Section VII 2. (1) of the "Policy Manual of the Division of Air Pollution Control" incorporated by reference in 401 KAR 50:016, Section 1(1), at least one month prior to the projected test date, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division. The Division will utilize this Protocol to determine if a pre-test meeting is required. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.

Methylene Chloride Emissions Modeling

Comment:
5) Delete Section
Pactiv requests that this section be deleted in its entirety for the reason explained herein. Kentucky regulation 401 KAR 63:020 does not specify the method by which compliance is to be demonstrated except to submit the results of modeling. However, there is no ambient air quality standard for methylene chloride by which to evaluate the modeling results according to 401 KAR 50:101,401 KAR 63:020, or 401 KAR 63:021, or any other Kentucky regulation. Thus, modeling is not required and would be impractical.

Response:
Methylene Chloride modeling requirements will not be deleted from either the Statement of Basis or the permit. Since methylene chloride is a hazardous air pollutant, a toxic, and a carcinogenic compound; the Division has determined that modeling is necessary. Pursuant to 401 KAR 63:020 Section 3: "No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. Evaluation of such facilities as to adequacy of controls and/or procedures and emission potential will be made on an individual basis by the cabinet."

Draft Title V Permit

Table of Contents

Comment:
6) Add "Stack" to Section D title
Pactiv requests here and throughout the draft permit the addition of "stack" to references to testing required under the permit to clarify that solely stack testing is required.

Response:
Language in "Section D title" is standard for permits issued by the Division and will not be changed.

Section B: Emission Points, Emission Units, Applicable Regulations, and Operating Conditions

Comment:
7) Emission Unit 01 (01), the Polypropylene Foam Extrusion Line Stack Emissions.
Add "(estimated)" to the control efficiency rate and capture efficiency rate
Pactiv requests these additions to reflect that these rates are estimated because the values are not verified until after stack testing has been performed.

Response:
Control and capture efficiency rates are based on information provided by the source in the permit application, so "(estimated)" will not be added to the permit as requested.

Comment:
8) Emission Unit 01 (01), the Polypropylene Foam Extrusion Line Stack Emissions.
Add "System Unit: Four (4) Adsorbing Beds"
Pactiv requests this addition to clarify that the adsorbing beds are part of the emissions control process for the foam extrusion line.

Response:
Control equipment is listed under the description for the Emission Unit 01 (01), which states "Carbon Absorption Beds". This information is based on the permit application.

Comment:
9) Polypropylene Foam Extrusion Line Emission Unit 02 (07)
Add "System Unit: Four (4) Adsorbing Beds"
Pactiv requests this addition to clarify that the adsorbing beds are part of the emission control process for the extrusion line.

Response:
The requested change will not be made. Emission Unit 02 (07) is listed as Polypropylene Foam Extrusion Line Fugitive Emissions. There are no controls for fugitive emissions.

Comment:
10) Emission Unit 05 (08) Decanting System
Replace: "466" with "2288"
Pactiv requests this replacement to provide the correct capacity of methylene chloride.

Response:
The DEP7007 B and DEP7007 N forms were received by the Division on January 14, 2004. On the DEP7007 B form for emission unit 05 (08) Decanting System, the maximum capacity is listed as 265 gallons/hr (208 gallons/hr Methylene Chloride and 57 gallons/hr Compound A). The maximum capacity listed for emission unit 03 (02) Solvent Recovery System is 2,288 lbs/hr of Methylene Chloride and 572 lbs/hr of Compound A. The permit description has been changed to 265 gallons/hr of Methylene Chloride and Compound A, to match the application.

Comment:
11) Emission Unit 05 (08) Decanting System
Delete "and Compound A"
Pactiv requests this deletion because Compound A is not regulated and, thus, should not be part of the Title V permit.

Response:
Compound A will not be deleted from either the Statement of Basis or the permit. Since Compound A is in the application submitted by the source, the Division shall include it in the permit. Please note that the draft permit states that Compound A is not a regulated air pollutant.

Comment:
12) Emission Unit 05 (08) Decanting System
Delete "Four (4) Adsorbing Beds"
Pactiv requests this deletion to clarify that the adsorbing beds are not part of the emissions control process for the Decanting System.

Response:
Comment acknowledged, change made.

Comment:
13) Emission Unit 06 (06A) Methylene Chloride Storage Tank
Replace "9,000" with "8,775"
Replace "1 822000" with "30000"
Replace "1971" with "1970"
Pactiv requests these changes to correct information concerning tank capacity, annual throughput, and the construction date. With the change in the throughput rate, this may impact the emission factors for the storage tank. If this is appropriate, the Division will process the change as an administrative amendment upon determination of any change in emission factors and submittal of the amendment by the permittee.

Response:
The requested change will not be made. This information is based on the permit application. Form DEP7007 J for emission point 06 (06A) lists the tank capacity as 9,000 gallons, the maximum annual throughput as 1,822,000 gallons, and the date installed as 1971. In order to make the changes, a new application with corrected forms and a new form DEP7007 AI with appropriate signatures shall be submitted to be revised by the Division.

Comment:
14) Storage Tank B and Storage Tank C
Delete all entries concerning these tanks
Pactiv requests the deletion of Storage Tank B because the facility will not use it.
Pactiv requests the deletion of Storage Tank C because Compound A is not a regulated substance.

Response:
The Division will not delete the requested text. Refer to response to comment # 2

Section B: Applicable Regulations

Comment:
15) Section 1: Operating Limitations
Section l.a.
Pactiv requests that the permit cite to the regulation tied to the operating limitation. If no such regulation can be cited, Pactiv requests this limitation be deleted. *See* 40 C.F.R. 70.6(a)(I)(i) and Section 1b of *Cabinet Provisions.* In the markup, Pactiv repeats this comment where it has: **[Regulation ?]**

The 03 (02) Solvent Recovery System and 05 (08) Decanting System shall be operated at all times that the 01 (01) Polypropylene Foam Extrusion Line is in operation. **[Regulation ?]**

Response:
The Operating Limitation has been revised to cite the regulation. Pursuant to 401 KAR 50:055 Section 2(5): "At all times, including periods of start-up, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source". Furthermore, this requirement is based on application information so it shall be kept in the permit.

Comment:
16) Section 1.a.: Compliance Demonstration Method
Delete language in 1.a.(1) and (2) and replace current language with: "The permittee shall demonstrate compliance by maintaining a logbook that shows the times when 03(02) Solvent Recovery System or 05(08) Decanting System are not operating when the 01(01) Polypropylene Foam Extrusion Line is in operation."
Pactiv requests that a logbook be the method of compliance instead of hourly monitoring flow because the logbook provides information concerning actual use, which provides an accurate basis for emissions calculations.

Response:
Refer to response to comment # 15. If the Solvent Recovery System is not in operation when the Polypropylene Foam Extrusion Lineis in operation, the facility will need to complete a malfunction report.
Sections 1.a.2) and 1.a.3) were revised to read:

> "2) Monitor the daily flow rate of methylene chloride from the 01 (01) Polypropylene Foam Extrusion Line to the 03 (02) Solvent Recovery System;
> 3) Monitor the daily flow rate of methylene chloride from the 03 (02) Solvent Recovery System to the 05 (08) Decanting System; and"

Comment:
17) Section 1.b.: Compliance Demonstration Method
Delete Current Compliance Demonstration Method
Pactiv requests this deletion because of the requested deletion of the Compliance Demonstration Method for 2.a., explained below.

Response:
The Division will not delete the requested section. Refer to response to comment # 5

Comment:
18) Section 1.d.
Delete Section
Pactiv requests this deletion because Pactiv will not use Storage Tank B and because Storage Tank C contains Compound A, which the Title V permit should not cover because it is not a regulated substance.

Response:
The Division will not delete the requested section. Refer to response to comment # 2.

Comment:
19) Section 2: Emission Limitations Section 2.a.
Pactiv requests that this section be deleted in its entirety for the reason explained herein. Kentucky regulation 401 KAR 63:020 does not specify the method by which compliance is to be demonstrated except to submit the results of modeling. However, there is no ambient air quality standard for methylene chloride by which to evaluate the modeling results according to 401 KAR 50:101,401 KAR 63:020, or 401 KAR 63:021, or any other Kentucky regulation. Thus, modeling is not required and would be impractical.

Response:
The Division will not delete the requested section. Refer to response to comment # 5.

Comment:
20) Section 2.b(1): Compliance Demonstration Method
Replace deleted material (concerning hourly calculations) with material balance calculations
Pactiv requests that a material balance calculation be used for compliance instead of the provided emissions calculation because a computer daily generates a 24- hour Batch Make-up Report, which provides the total amount of recovered methylene chloride and the total amount of used methylene chloride. The total amount of used methylene chloride represents the total emissions for the 24-hour period (although there may be some variation depending upon the timing of the batch make-up versus the print-out of the report).

Response:
The compliance demonstration required in the draft permit is valid, however the Division did not acknowledge the possibility of having a 24-hour batch make-up report generated. Since the material balance proposed by Pactiv Corporation simplifies the calculations, the Division will make changes to the requested section to read as follows:

> ***"Compliance Demonstration Method:***
> To determine the hourly source-wide emissions of methylene chloride carry out the following steps.
> 1) Determine the hourly source-wide emissions of methylene chloride by a material balance calculation based on input, output, and amount of methylene chloride recovered utilizing the emission factor from stack testing:

The material balance equations to calculate the "stack emissions" and the "total fugitive emissions" are as follows:
TMCR = total gallons of methylene chloride recovered (information obtained from batch make-up report)
RE = recovery unit efficiency, as determined by the stack test (currently assumed to be 99.1%)*
TMCC = total gallons of methylene chloride captured by the recovery unit = TMCR/RE

STK = 24-hour stack emissions = (TMCC * 10.98 lbs/gal) – (TMCR * 10.98 lbs/gal).
VMC = virgin gallons of MC used (information obtained from batch make-up report)
TFUG = 24-hour total fugitive emissions = (VMC * 10.98 lbs/gal) - STK

* The permittee shall utilize the recovery unit efficiency listed above until the testing required under **3. Testing Requirements** is conducted. Once the capture efficiency is determined from the test data and the Division has validated the testing, the permittee shall utilize the determined recovery unit efficiency."

2) Plantwide fugitive emissions will be calculated based upon a material balance described in Section 2.b.1.

Comment:
21) Emission Factors for 06(06A) Methylene Chloride Storage Tank
Add "The Division will process as an administrative amendment corrected emission factors relative to the change in annual throughput for the storage tank, as appropriate, upon determination and submittal of the amendment by the permittee."
Pactiv requests this addition to provide for the procedure by which the emission factors will be corrected, as determined and appropriate.

Response:
The mentioned emission factors have been deleted from the permit. The requested paragraph was not added. Refer to response to comment # 20.

Comment:
22) Section 2.b(3)
Replace hourly emissions calculations with material balance method
See above comment concerning material balance calculation.

Response:
The compliance demonstration method for emission limitation 2.b was revised. Refer to response to comment # 20.

Comment:
23) Section 3: Stack Testing Requirements
Section 3.b

Replace "proposed permit" with "Final Title V permit (the "permit")
Pactiv requests the replacement to clarify that, once issued, reference to "the permit" will be to the final Title V permit, not to this draft permit.

Response:
Comment acknowledged, change made.

Comment:
24) Section 3: Stack Testing Requirements
Section 3.b
Add "The stack testing must be carried out within sixty (60) business days of the Division's approval of Pactiv's testing protocol."

Pactiv requests this language to clarify that it cannot perform the stack testing until it has received approval from the Division.

Response:
The Division will not change the requested section. Refer to response to comment # 4

Comment:
25) Section 3.c.
Delete performance testing requirement
Pactiv requests this deletion because Pursuant to Section 1II(10) of the *Policy Manual of the Division of Air Pollution Control*, incorporated by reference at 401 KAR 50:016, Section 1(1): "When carbon adsorbers are used, it is not necessary to determine capture efficiency since the VOC recovered can be compared directly to the emission standard." The facility will use a material balance calculation methodology based on input, output, and amount of methylene chloride recovered, as discussed above.

Response:
Comment acknowledged, change made.

Comment:
26) Section 4: Specific Monitoring Requirements
Section 4.a.
Delete Section
Pactiv requests this deletion because of the above-requested changes concerning material balance calculations.

Response:
The Division will change the requested section to read as follows:

> "The information required to perform the material balance calculations described Section 2.b.1."

Refer to response to comment # 20.

Comment:
27) Section 4: Specific Monitoring Requirements
Section 4.b.
Delete Section
Pactiv requests this change in connection with the above-requested changes concerning material balance calculations.

Response:
The Division will make the requested change. Refer to response to comment # 20.

Comment:
28) Section 4: Specific Monitoring Requirements
Section 4.c.
Delete Section and replace with "The permittee will use the material balance calculation discussed in Section 2.b.l to monitor stack and fugitive methylene chloride emissions."
Pactiv requests this change in connection with the above-requested changes concerning material balance calculations.

Response:
The Division will make the requested change. Refer to response to comment # 20.

Comment:
29) Section 4: Specific Monitoring Requirements
Section 4.d
Delete Section
Storage Tank B and Storage Tank C should not be listed in the Title V permit because Tank B is not and will not be in use and because Tank C contains a non- regulated substance (Compound A).

Response:
Refer to response to comment # 2.

Comment:
30) Section 5: Specific Recordkeeping Requirements
Sections 5.a and 5.b.
Replace Sections 5.a and 5.b with "a. records necessary to perform the material balance calculation discussed in Section 2.b.l."
Pactiv suggests the replacement in connection with the above-requested changes.

Response:
The Division will change the requested section to read as follows:

"a. Daily records necessary to perform the material balance calculation discussed in Section 2.b.l.
b. The methylene chloride daily emitted from 01 (01) Polypropylene Foam Extrusion Line. " Refer to response to comment # 20.

Comment:
31) Section 5: Specific Recordkeeping Requirements
Section 5.c.
Delete section
Pursuant to Section III (10) of the *Policy Manual of the Division of Air Pollution Control*, incorporated by reference at 401 KAR 50;016, Section 1(1): "When carbon adsorbers are used, it is not necessary to determine capture efficiency since the VOC recovered can be compared directly to the emission standard." The facility will use a mass balance calculation methodology based on input, output, and amount of methylene chloride recovered.

Response:
The Division will delete the requested section. Refer to response to comment # 20.

Comment:
32) Section 5: Specific Recordkeeping Requirements
Section 5.e.
Delete section
Storage Tank B should not be listed in the Title V permit because Tank B is not and will not be in use. Storage Tank C should not be listed because it contains a non-reguIated substance (Compound A).

Response:
The Division will not delete the requested section. Refer to response to comment # 2.

Comment:
33) Section 5: Specific Recordkeeping Requirements
Section 5.g
Replace "Manufacturer's" with "design"
If there is a regulation citation for this section, Pactiv requests this change because it is an engineered system, not a manufacturer's product.

Response:
Comment acknowledged, change made.

Comment:
34) Section 6; Specific Reporting Requirements
Section 6.a.
Replace section with; "The material balance calculations described in Section 2.b.1."
Pactiv requests this change in connection with the above-requested changes.

Response:
The Division will change the requested section to read as follows:

> "The daily material balance calculations described in Section 2.b.1." Refer to response to comment # 20.

Comment:
35) Section 6; Specific Reporting Requirements
Section 6.c.
Delete section
Pactiv requests this deletion for two reasons. First, these reports would be unnecessarily burdensome. Second, it is unclear whether Pactiv would need to submit reports every month or every six (6) months (see F.5. of the Draft Title V permit).

Response:
Section 6.c. will not be deleted from the permit. Section 6, Specific reporting requirements, states that the source shall submit the reports in accordance with Section F5 and F7. To comply with Section 6.c., the source shall submit a report "every six months" and this report shall include "record of monthly inspections, routine maintenance performed, and any corrective action on the 03 (02) Solvent Recovery System and the 05 (08) Decanting System associated with 01 (01) Polypropylene Foam Extrusion Line".

Section C: Insignificant Activities

Comment:
36) Delete "and some minimal level of periodic monitoring may be necessary"
Pactiv requests this deletion because Pactiv is obligated to comply with regulatory requirements.

Response:
The Division has the authority of requiring periodic monitoring if necessary, so the requested paragraph will not be deleted. Pursuant to the *Cabinet Provisions and Procedures for issuing Title V permits*, Section 1b (III) (2): "If the applicable requirement does not require periodic testing or monitoring, the permit shall contain periodic monitoring sufficient to yield reliable data from the relevant time period representative of the source's compliance with the permit".

Section E: Source Control Equipment Requirements

Comment:
37) Replace "Determination" with "Pursuant to applicable regulations, a determination"
Pactiv requests this replacement to clarify that such determinations (and agency requests for information so that it can make such a determination) will be based upon applicable regulations.

Response:
The Division is following regulatory language from 401 KAR 50:055 Section 2(5) in this requirement, the requested language will not be changed.

Section F: Monitoring, Record Keeping, and Reporting Requirements

Comment:
38) Section F .4.
Add "For authorized agents, refusal of entry or access by the permittee does not include reasonable inquiry into the scope or basis of authorization."
Pactiv requests this addition only if the rest of the section has regulation citation and remains in the permit.

Response:
The Division will not amend the language in the permit, although the Division employees will present identification, if it's requested, and will comply with standard KMC safety requirements. Section F and Section G include standard requirements that are applicable to all Title V sources and will not be changed.

Comment:
39) Section F.5.
Add "(known as semi-annual reports)"
Pactiv requests this addition to define the semi-annual reporting for ease of reference later in the permit given later permit language and suggested language.

Response:
Comment acknowledged, change made.

Comment:
40) Section F .6.
Delete "are due" and add "described in F .5 shall be postmarked"
Pactiv requests these changes for clarity and for consistency with Section F.9.f.

Response:
Comment acknowledged, Section F is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
41) Section F .6.
Delete last sentence: "All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23."
Pactiv requests this deletion because certification is not required by the regulation.

Response:
The requested sentence will not be deleted. Pursuant to 401 KAR 52:020 Section 23: "A responsible official shall certify that, based on information and belief formed after reasonable inquiry, the statements and information contained in the following documents are true, accurate, and complete:

1) Applications for initial permits, permit revisions, and renewals;
2) *Reports*;
3) Compliance certifications; and
4) Emissions certifications"

Comment:
42) Section F .7 .a.
Add "reasonably"
Pactiv requests this addition per the following regulatory language at 401 KAR 50:055(1)(2): "However, if the shutdown is necessitated by events which the owner or operator could not *reasonably* have foreseen three (3) days before the shutdown, then, such notification shall be given immediately following the decision to shut down." (Emphasis added).

Response:
Comment acknowledged, but the term "reasonably" is not defined and the requested language will not be changed.

Comment:
43) SectionF.7.b.
Replace "and" with "or"
Pactiv requests this replacement to be consistent with the following regulatory language at 401 KAR 50:055(1)(3): "When emissions due to malfunctions, unplanned shutdowns *or* ensuing start-ups are or may be. ..." (Emphasis added).

Response:
Comment acknowledged, change made.

Comment:
44) Section F .8.
Replace "owner or operator" with "permittee"
Pactiv requests this change to be consistent throughout the permit in regards to references to Pactiv.

Response:
Comment acknowledged, change made.

Comment:
45) Section F.9.
Add "and in accordance with F.9.f,"
Pactiv requests this addition to tie together the corresponding parts of the permit.

Response:
Section F.9.f is a subsection of F.9 and refers to the same "certification".

Comment:
46) Section F.9.c.
Change sentence to read: "Whether the compliance method provided continuous or intermittent data",
Pactiv requests this change to conform with the following regulatory language in 401 KAR 52:020, Section 21(c), which states that the certification information shall include: "The method used for determining compliance over the reporting period, and *whether the method provided continuous or intermittent data."* (Emphasis added).

Response:
Section F.9.c is a subsection of F.9 and refers to the same regulation.

Comment:
47) Section F.9.f.
Add "annual" and "described in F.9.a-e"
Pactiv requests this addition to tie together the corresponding parts of the permit.

Response:
Section F.9.f is a subsection of F.9 and refers to the same "certification".

Comment:
48) Section F.10.
Delete "all" and add "requested in the Kentucky Emissions Inventory System (KYEIS)" Pactiv requests this change to conform with the regulatory language at 401 KAR Section 22(1), which states that the source "shall provide and certify *the information requested.* " (Emphasis added).

Response:
"All information necessary" needs to be submitted for determining emissions. The permit will not be modified.

Comment:
49) Section F .11

Pactiv requests the Division to specify what performance tests the permit is referring to and the regulation tied to this provision.

Response:
Performance tests are any tests required by the permit and, as stated in Section F.11., the regulation for this provision is Section VII (3) of the policy manual of the Division for Air Quality incorporated by reference in 401 KAR 50:016, Section 1(1).

Section G: General Provisions

Comment:
50) Section G.8.
Replace "terms and conditions" with "emission limitations and standards in the permit"
Pactiv requests this change to conform with the following language at Section la(15) of the *Cabinet Provisions and Procedures for Issuing Title V Permits:*
"The permit shall contain a provision stating that *all emission limitations and standards* contained in a permit. ..issued by the cabinet…[e]xcept for those specifically identified as state-origin requirements, shall be enforceable by the U.S. EPA and citizens." (Emphasis added.)

Response:
Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
51) Section G.16(b)(I).
Add "The permittee shall submit an application for renewal at least six (6) months prior to the expiration date."
Delete" at least six months prior to the expiration date of the permit. Upon a timely and complete submittal "
Add "if the permittee has submitted a timely and complete application. "
Pactiv requests these changes to conform with the following regulatory language at 401 KAR 52:020, Section 12, at the indicated subsections:
(4) An application for a permit renewal shall be submitted at least six (6) months prior to expiration of the current permit.
(6) All terms and conditions of the previous permit, including the permit shield, shall remain in effect until the renewal permit has been issued or denied, if: ...(b) [t]he source has submitted a timely and complete renewal application.

Response:
Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
52) Section G.16(c)(I).
Replace "or in applicable requirements and meet the relevant requirements or' with "state implementation plan (SIP) or in a federal requirement"
Pactiv requests this change because 401 KAR 52:020, Sections 14(2)(a) and (b), specifically reference the SIP or a "federal requirement."

Response:

Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
53) Section G.16(c)(2).
Change section to read as follows: "Subject to the Division's review, the permittee may transfer this permit to a new owner or operator as an administrative amendment if no permit change other than a change in name or contact information is necessary and if a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer [401 KAR 52:020, Section 13].
Pactiv requests this change for several reasons. First, the requested language comports with the statutory language, which does not ban transfers, but rather allows the Division the ability to deny a transfer. Regulation 401 KAR 52:020, Section 13(1)(c), allows "changes in ownership or operational control" to be "processed as administrative permit amendments" "if the cabinet determines that no other changes in the permit are necessary." Regulation 401 KAR 52:020, Section 13(3), specifically states that a permit amendment due to change in ownership or permittee shall provide: "Administrative Information Form DEP7007 AI showing the names and other information that has changed" and, for an ownership change, "a signed written agreement specifying the date of transfer of permit responsibility, coverage, and liability." Such administrative amend- ments must be submitted to the cabinet "within ten (10) days following the change" in ownership or permittee, according to 401 KAR 52:020, Section 13(3).

Response:
Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
54) Section G.16(d).
Add "The permittee must obtain the necessary permit for such activities" if the Division provides citation to a regulation for this section. Otherwise, delete the section.

Response:
Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
55) Section G.16(f)(1)(d).
Add ", but not later than ten (10) workdays after the emergency occurred,"
Pactiv requests this addition to clarify the timeframe by which Pactiv must respond given that the cited regulations have different notification deadlines for some similar/same circumstances.

Response:
Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Comment:
56) Section G.16(g)(2).
Add "the permittee shall" and "as required by applicable law" if the Division provides a citation to a regulation for this section. If no such citation is provided, Pactiv requests that the section be deleted.

Response:

Comment acknowledged, Section G is standard language used in Title V permits issued by the Division and approved by EPA, the requested language will not be changed.

Section I: Compliance Schedule

Comment:
57) Delete current paragraph and replace with: "The Pactiv, Wurtland facility is in compliance with all applicable air requirements. "
Pactiv requests this change because the facility is in compliance and, thus, is not under a compliance schedule.

Response:
Since the request to delete the requirement of Methylene Chloride emissions modeling has been denied (Refer to response to comment # 5), the Division will not delete this section.