

**Statement of Basis**  
**for Pliant, LLC, a Delaware Limited Liability Company**  
**dba Berry Plastics**  
(Previously Known as Huntsman Packaging Corporation and most recently Pliant Corporation)

**Administrative Modification: June 3, 2009**

**Administrative Modification: August 16, 2010**

**Administrative Modification: February 13, 2012**

**Significant Modification: March 8, 2011**

***A. General***

This document summarizes the legal and factual bases for the draft permit conditions in the Berry Plastics air operating permit to be issued under the authority of the Washington Clean Air Act, Chapter 70.94 Revised Code of Washington, Chapter 173-401 of the Washington Administrative Code and Puget Sound Clean Air Agency Regulation I, Article 7. Unlike the permit, this document is not legally enforceable. It includes references to the applicable statutory or regulatory provisions that relate to Berry Plastics emissions to the atmosphere. Berry Plastics was formally known as Pliant Corporation. In addition, this statement of basis provides a description of Berry Plastics' activities and a compliance history.

***B. First Renewal***

After the permit was originally issued on April 21, 1999, the details regarding the renewal application for the Berry Plastics air operating permit are available starting on page 3. The first renewal permit was issued on May 12, 2009.

***C. Administrative Modification***

This document describes two administrative modifications that were made to the facility and to the air operating permit under the first renewal of the air operating permit, which begins on Page 4.

***D. Significant modification made during First Renewal Permit***

This document also describes a significant modification that was made to the facility and to the air operating permit under the first renewal of the air operating permit, which begins on Page 5.

**Source Description**

Berry Plastics manufactures and prints plastic bags at 8039 South 192nd Street in Kent, Washington. Plastic resin pellets, flexographic printing inks, and organic solvents are the primary raw materials used in the manufacturing process. Other raw materials include corn starch, photopolymer plates and natural gas. The plastic bags are sold primarily for commercial food and sanitary goods packaging. Berry Plastics is a major source of volatile organic compounds (VOCs), specifically alcohols. Berry Plastics is not subject to federal New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants, because the inks that they use do not contain significant amounts of hazardous air pollutant (HAPs). The pellets, which are received by railcar and stored in

silos equipped with fabric filters, are heated to a semi-liquid state and “blown” into a film (0.001-0.004” thick) in the shape of a large tube.

The roll of plastic (called a web) is mounted on a printing press where printing is accomplished. As the web moves through the press at hundreds of feet per minute, up to eight colors are printed in succession. Hot air is used to dry the ink after each color is printed. Once printed, the web is cut and formed into bags and shipped to the customer. On a couple of the presses an enclosed, electronic dry-dusting system adds powder to the web to prevent the plastic from adhering to itself just before the re-winder. (Products which fail to meet quality control requirements are recycled.)

Printing plates are produced using a 3 step process in which the desired image is digitized and imaged on a sheet of photopolymer with a fiber laser with multibeam optics. The sheet is then exposed to ultraviolet light to cure the mask layer. The photopolymer sheet is then processed utilizing DuPont’s patented “Cyrel FAST” system that uses dry, thermal technology that eliminates all solvents and aqueous solutions from the traditional plate production process.

The printing plates are mounted on rollers and installed on a press where ink is pumped from buckets into trays and other rollers transfer it in controlled amounts to the plates. Once applied to the web, the ink solvents are evaporated by hot air dryers and combusted in catalytic oxidizers. (One oxidizer is used to control the emissions from press No. 210, one is used for press Nos. 202, 203, 206, 208 and 209, and another is used for press No. 207.) The catalytic oxidizers preheat the solvent vapors to at least 500 degrees Fahrenheit and then oxidize the solvent to carbon dioxide and water in large catalyst beds, similar to catalytic converters on automobiles.

Inks, which are purchased in five-gallon buckets, are mixed in specific proportions to obtain the exact colors needed for a particular job and thinned with additional solvents to the proper viscosity. Ink solvents are principally propanol, ethanol and propyl acetate, but also include trace amounts of heptane, naphtha, glycol ethers, and butyl and ethyl acetates. The two solvent blends used for thinning the ink are also used for press cleaning. These solvents are stored in bulk and in a cold solvent tank used for cleaning of ink trays following color changes. (Cleaning solvent is purified with a still, and still bottoms are shipped off-site to a licensed disposal facility.)

Other emission sources include a small proof press, which is used to perform test runs of new products. This pilot-scale operation requires only a minimal amount of ink and is not vented to any control equipment. Production is not possible from this press.

The potential to emit of this facility is not well defined, but clearly exceeds 100 tons per year of VOC. Therefore, Berry Plastics is classified as a major source as defined in WAC

173-401-200(17) and is required to have an operating permit pursuant to WAC 173-401-300(1)(a)(i).

## **Review of Permit Application**

An air operating permit application was received by Puget Sound Clean Air Agency from Berry Plastics on June 7, 1995 pursuant to WAC 173-401-500(3). The application was acknowledged to be complete in a letter from Puget Sound Clean Air Agency to Huntsman dated August 1, 1995.

A draft permit was published on August 12, 1997. Comments were received from EPA Region 10 on February 26, 1998. Relevant comments were also received from EPA Region 10 on December 3, 1997 regarding a draft permit for Rainier Plywood. A response to these comments is included at the end of this statement of basis, which identifies the changes made to the proposed operating permit and the statement of basis for Berry Plastics.

## ***Administrative Modification to Original Issuance***

A final permit was issued on April 21, 1999. Administrative revisions were made on April 4, 2001 to address the: removal of three older presses in 1999 and 2000; installation of two new presses and a catalytic oxidizer in 2000; installation of another press in 2001; the renumbering of the presses; the purchase of Huntsman Packaging by Pliant Corporation in 2000; a change in the Responsible Official; and new telephone numbers.

## ***First Renewal***

A renewal application was received on April 18, 2003. Included in the application was a request to alter existing Order of Approval conditions for the presses and oxidizers. This request was withdrawn on December 12, 2003.

Not included in the initial renewal application was the Compliance Assurance Monitoring (CAM) plan required under 40 CFR Part 64 for presses that have the potential to emit more than 100 tons of VOC per year prior to control. The Agency notified Berry Plastics of this requirement on February 11, 2004. On April 23, 2004, Berry Plastics proposed to follow a presumptively acceptable CAM plan based on EPA's *draft* "Technical Support Document (TSD) for Title V Permitting of Printing Facilities" (dated 11/22/02). However, certain aspects of the CAM capture efficiency protocol were later found to be infeasible. The ductwork was not equipped with flow sensors (e.g., static pressure) and once these sensors were installed, the data was determined to be meaningless. And two of the presses (Vision, Stellaflex) were subsequently found to have by-pass vents (for maintenance) that open automatically when the presses shutdown, prompting additional monitoring. A request to designate the Plant Manager, Jim Yeager, as the Responsible Official was received by the Agency on June 8, 2004. The Plant Manager has policy and decision-making functions and

is responsible for the overall operation of the entire facility. He has the authority to shut down operations if environmental problems occur and can make recommendations for capital expenditures. But he doesn't necessarily qualify as a Responsible Official as defined in WAC 173-401-200(29)(a)(i). This request was approved by the Agency on June 22, 2004 pursuant to WAC 173-401-200(29)(a)(ii). (This process was repeated in 2006 for the subsequent Plant Manager, Dwyane Nichols.)

A request to reconfigure the control systems for the presses was received by the Agency on August 17, 2005 (Notice of Construction #9295). This action would have the least used presses (Soloflex, Kidder) controlled by the least efficient and most costly to operate catalytic oxidizer (Smith/Anguill). The Olympia press would be controlled by the Dec-E-Tec 20000 catalytic oxidizer to allow the Infinity press to be controlled by the Dec-E-Tec 5000 catalytic oxidizer. All other presses (Vision, Stellaflex, Astraflex) would continue to be controlled by the Dec-E-Tec 20000 catalytic oxidizer. The proposed Order of Approval #9295 would cancel and supersede all previous permits for the presses and oxidizers and would incorporate CAM based on EPA's *final* TSD for Title V Permitting of Printing Facilities. Berry Plastics would continuously monitor flow based on the LEL sensors in the press ductwork and annually audit the interlock systems.

On December 5, 2005, Berry Plastics notified the Agency that it had hired a consultant to determine the feasibility of installing permanent total enclosures around the presses. Such an installation would enable the facility to become a minor source not be subject to the air operating permit program.

On January 3, 2006, Berry Plastics filed a Chapter 11 bankruptcy petition. After completing its financial restructuring Berry Plastics announced that on June 23, 2006 that it exited Chapter 11 Bankruptcy protection, as confirmed by the U.S. Bankruptcy Court for the district of Delaware.

### **Administrative Amendment I**

*On June 1, 2009, we received a request for an administrative modification. The request was to change the Responsible Official to Curt Howard and to update Brad Ehlers title to Operations Manager, updating both of their phone numbers.*

Puget Sound Clean Air Agency Response:

*Changes made.*

## **Administrative Amendment 2**

*On August 11, 2010, we received a request for an administrative modification. The request was to change the facility name to Pliant, LLC, a Delaware Limited Liability Company dba Berry Plastics Corporation.*

Puget Sound Clean Air Agency Response:

*Change made.*

## **Significant Modification 1**

In October 2010, Berry Plastics Corporation (Berry) proposed significant changes to the process and control equipment at their facility located in Kent, WA. The proposed modification to their flexographic printing operations consists of installing a new printing press, removing older printing presses, and replacing their two catalytic oxidizers with one more efficient Regenerative Thermal Oxidizer (RTO). One catalytic oxidizer will remain as an emergency back-up unit that is limited to operate for 336 hours per calendar year. Berry Plastics cannot fully implement this Notice of Construction (NOC) application without conflicts and potential non-compliance with the current conditions in their Air Operating Permit (AOP). Therefore, Berry Plastics is requesting that this NOC be co-processed with the significant modification to their AOP as per WAC 173-401-725(4). The potential-to-emit (pte) emissions of Volatile Organic Compounds (VOC) for this project are estimated at 3.83 tons per year, and were reviewable under the Puget Sound Clean Air Agency (PSCAA) minor new source review program. The significant permit modification to AOP No. 28777 is reviewable under PSCAA operating permit program.

Berry submitted a Notice of Construction Application to the Puget Sound Clean Air Agency on October 11, 2010. The Agency developed draft NOC Order of Approval No. 10246, and placed the terms and conditions of the draft Order of Approval into the draft modified AOP. Both the AOP and NOC will go out for 30-day public comment. Following the 30-day public comment (and following any changes that are made as a result of the public comment), the NOC will be issued and the AOP will go to EPA for 45 day review. This Order of Approval # 10246 cancels and supersedes Order of Approval # 9295, issued 5/12/09.

## **Compliance History**

Huntsman Packaging, then Pliant Corporation and now Berry Plastics purchased this facility from Princeton Packaging in July 1993. The compliance history as a printing facility dates back to the original permit issued by Puget Sound Clean Air Agency to Princeton on December 2, 1985 for the installation of 6 flexographic presses, 3 4000-gallon solvent storage tanks and 2 catalytic oxidizers - one for press Nos. 1-5 and the other for press No. 6

(Order of Approval No. 2703). Princeton had purchased the flexible packaging facility from St. Regis in October 1984.

On June 10, 2003 the Agency issued Notice of Violation No. 3-000109 to Berry Plastics for failing to continuously record the operating temperature of the 5000 Dec-E-Tec oxidizer as required under Order of Approval No. 6119, Condition 10. Berry Plastics disclosed this problem in a deviation report received by the Agency on May 5, 2003. A civil penalty (CP No. 9725) was assessed in the amount of \$8000. Berry Plastics entered into a Consent Decree and Assurance of Discontinuance on March 31, 2004 in which \$6000 of the penalty was suspended provided that Berry Plastics install a data acquisition system within 90 days to log the oxidizer operating temperatures and has no unexcused violations for two years.

On March 23, 2004, the Agency issued Notice of Violation No. 3-000116 to Berry Plastics for failing to submit semiannual certifications for the semiannual periods ending in October 2002 and October 2003. Berry Plastics subsequently submitted a deviation report to the Agency stating a deviation did occur for not submitting a semiannual report in October 2003 however Berry Plastics stated that a semiannual report was not required to be submitted in October 2002 and therefore no deviation occurred for that reporting period. This Agency closed this case on July 16, 2004.

### **Emission Inventory**

Emissions at this facility come principally from the printing presses. Emission factors for Volatile Organic Compounds (VOC), Toxic Air Contaminants (TAC) and Hazardous Air Pollutants (HAP) have been developed from tests of the capture and destruction efficiency of the control systems. Propanol and ethanol account for approximately 2/3rds of the emissions. The only HAP used is glycol ether.

The plastic extrusion equipment and solvent storage tanks have negligible emissions and are insignificant emission units.

**2003 Emissions**

Pollutant	Presses #202, 203, 206, 208, 209 <sup>1</sup>	Press #207 <sup>1</sup>	Press #210 <sup>1</sup>	Photo- Polymer Solvent <sup>3</sup>	Plastic Extrusion <sup>4</sup>	Natural Gas Burned <sup>5</sup>	Solvent Storage Tanks <sup>6</sup>	TOTAL (ton/yr)
NO <sub>x</sub>						1.0		1.0
CO						0.4		0.4
VOC	19.8	1.3	2.9	10.8	0.1	<0.1	<0.1	34.8
TAC	19.8	1.30	2.9			<0.1	<0.1	24.0
HAP	0.1	<0.1	<0.1			<0.1	0	0.1
SO <sub>2</sub>						<0.1		<0.1
PM <sub>10</sub>					0.1	0.1		0.2

<sup>1</sup> Based on capture and destruction efficiency tests.

<sup>3</sup> Based on amount purchased minus 0.5% disposed as liquid waste.

<sup>4</sup> Based on J. Air & Waste Manage. Assoc., June 1996, pp. 569-580; VOC = 9.3 lb/million lb blown.

<sup>5</sup> Based on AP-42, Compilation of Air Pollution Emission Factors, Section 1.4., U. S. EPA.

<sup>6</sup> Based on AP-42, Compilation of Air Pollution Emission Factors, Section 7.1., U. S. EPA.

## **Legal and Factual Basis for Permit Conditions**

The permit content is prescribed by Part VI of the state operating permit rules under Chapter 173-401 of the Washington Administrative Code (WAC), which was adopted pursuant to Chapter 70.94 Revised Code of Washington (RCW), and is incorporated by reference under Puget Sound Clean Air Agency (PSCAA) Reg. I, Article 7.

WAC 173-401-600 requires the permit to list all “applicable requirements” (as defined under WAC 173-401-200(4)), including all federally enforceable applicable requirements regardless of stringency. It also requires the permit to contain terms and conditions that assure compliance with these requirements at the time of permit issuance, and to specify and reference the origin of and authority for each term and condition.

The permit cites the applicable requirements and their adoption or effective dates. Although a paraphrase of the requirements is provided, it is not an enforceable provision of the permit. (A preface to the permit describes the permit format.)

The permit contains terms and conditions from Chapter 173-401 WAC. The authority for establishing these permit terms and conditions is cited but only the permit itself is enforceable, not the authority for establishing the terms and conditions.

The permit does not contain requirements applicable only to sources located in ozone nonattainment areas because they were not applicable as of the date of permit issuance or renewal.

The permit does not contain applicable requirements that are not ongoing because they are not in effect during the term of the permit. These include, but are not limited to, initial performance testing requirements.

The permit does not contain Order of Approval conditions that are for information purposes only. For example:

- ‘Approval is granted...to install or establish the equipment, device or process described hereon at the installation address in accordance with the plans and specifications on file’;
- ‘Compliance with this order and its conditions does not relieve the owner or operator from the responsibility of compliance with Regulations I, II, or III, RCW 70.94 or any other emission control requirements, nor from the resulting liabilities and/or legal remedies for failure to comply’; and
- ‘This approval does not relieve the applicant or owner of any requirement of any other governmental agency.’

The permit does not establish Periodic Monitoring requirements pursuant to WAC 173-401-615(1)(b) for sulfur dioxide or hydrochloric acid because none of the emission units are actually capable of exceeding the associated emission standards in Section I of the permit.

*The following is a description of the legal and factual basis for all decisions to:*

- Add Compliance Assurance Monitoring (CAM) terms to the permit pursuant to 40 CFR 64.6(c) that were not applicable requirements prior to permit renewal and were not listed as ‘presumptively acceptable’ monitoring in Appendix C of EPA’s “*Technical Support Document (TSD) for Title V Permitting of Printing Facilities*” (“*Monitoring Protocols for the Printing and Flexible Packaging Industries*”, 11/22/02, [http://www.epa.gov/ttn/oarpg/t5/memoranda/pfpf\\_appc.pdf](http://www.epa.gov/ttn/oarpg/t5/memoranda/pfpf_appc.pdf)). Pursuant to 40 CFR 64.4(b) “If an owner or operator relies on ‘presumptively acceptable’ monitoring, no further justification for the appropriateness of that monitoring should be necessary...unless data or information is brought forward to rebut the assumption.” So no justification is provided in this statement of basis for adding ‘presumptively acceptable’ monitoring.
- Add Periodic Monitoring terms to the permit pursuant to WAC 173-401-615(1)(b) “where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance”. The criteria used to justify these terms (consistent with EPA’s April 30, 1999 Draft *Periodic Monitoring Technical Reference Document*) include:
  - Initial compliance;
  - Margin of compliance;
  - Variability of process and emissions;
  - Air quality impact of deviations; and
  - Technical considerations (e.g., measures already employed to identify and prevent deviations; the available alternatives, their cost, and ability to detect deviations).
- Add requirements concerning the use, maintenance and, where appropriate, installation of monitoring equipment or methods pursuant to WAC 173-401-615(1)(b) that were not applicable requirements prior to permit issuance.
- Define or clarify existing operational requirements and limitations in the permit; and
- List requirements in the permit as inapplicable.

### **Compliance Assurance Monitoring (CAM)**

For destruction efficiency, Berry Plastics will follow the CAM approach outlined in the Protocol 2 of guidance document, with the following exceptions: 1) catalyst activity testing will be conducted semiannually instead of annually; and 2) external inspections of the oxidizers will be conducted quarterly instead of monthly. (The presses are interlocked to prevent their operation below the permitted catalyst inlet temperature and require a key to override that only managers and supervisors have access to.)

For capture efficiency, Berry Plastics will follow the monitoring approach outlined in the Protocol A of guidance document, with the following exception: capture efficiency testing will also be conducted within 24 hours of any equipment maintenance that could adversely affect the capture efficiency of a print deck. Presses connected to the Dec-E-Tech oxidizers have interlocks to prevent operation if the VOC concentration in the ductwork exceeds 50% of the LEL (low airflow), which will be audited annually. The Smith/Anguil oxidizer has a variable speed fan with a static pressure gauge in the ductwork that is electronically interlocked with its presses to prevent their operation whenever the static pressure falls below -0.5" w.g, (i.e., closer to zero) which will be audited annually.

Pliant Berry Plastics will also follow the maintenance, recordkeeping and reporting requirements under 40 CFR Part 64 as specified in the special approval conditions of Order of Approval No. 9295 [05/12/09]. Since the CAM requirements were addressable in conjunction with the NOC modification request (NOC No. 9295), the required CAM provisions have been included in that Order of Approval, which has been co-processed for public involvement processes with the operating permit.

#### **II.A.2 Quarterly Facility-Wide Monitoring**

None of the applicable requirements for opacity, visible emissions, nuisance, odor and fallout in Section I of the permit, prohibited activities under Section III of the permit, and activities requiring additional approval under Section IV of the permit require periodic monitoring. The permit requires quarterly facility-wide monitoring for these activities. This added periodic monitoring is based upon:

- Initial compliance. The compliance history (see above) shows no Notices of Violation of the work practice standards were issued. No deviations were reported during the first 5-year term of the operating permit.

- Margin of compliance. Based on observations, Berry Plastics is well below the threshold for violating the opacity, nuisance, odor and fallout in Section I of the permit and is extremely unlikely to violate Sections III or IV of the permit. No visible emissions are allowed from the oxidizers and any such emissions would indicate a malfunction. The bag machine line vent is capable of visible emissions but is subject to a 20% opacity limit.
- Variability of process and emissions. Although production may vary, the facility operates 24/7 for 52 weeks per year. Emission increases and decreases occur as presses come on-line or are taken off-line, etc.
- Air quality impact of deviations. The solvents used (mostly propanol and ethanol) are not particularly toxic. Ambient exposures should be below the odor threshold and Acceptable Source Impact Level.
- Technical considerations. Inspections for opacity, nuisance, odor and fallout are to be performed while the equipment is in operation during daylight hours. Natural gas is the only fuel fired at the facility. Compliance with the opacity/visible emission standards will assure compliance with the particulate matter (grain loading) standards.

### **II.A.3 Complaint Response**

None of the applicable requirements for nuisance (detriment to person or property) require periodic testing or monitoring. The permit requires investigation of complaints received regarding fugitive dust, odor and other air contaminants as soon as possible, but no later than the end of the next working day. These added monitoring requirements are based upon:

- Initial compliance. The compliance history (see above) shows no Notices of Violation of the work practice standards were issued. No deviations were reported during the first 5-year term of the operating permit.
- Margin of compliance. There are no emission units at the facility that would impact the neighbors with the possible exception of a malfunction of the catalytic oxidizers.
- Variability of process and emissions. Although production may vary, the facility operates 24/7 for 52 weeks per year. Emission increases and decreases occur as presses come on-line or are taken off-line, etc.
- Air quality impact of deviations. The solvents used (mostly propanol and ethanol) are not particularly toxic. Ambient exposures should be below the odor threshold and Acceptable Source Impact Level.
- Technical considerations. It is usually difficult to demonstrate that emissions from a particular source have unreasonably interfered with someone's enjoyment of life or

property.

**II.A.13 and II.A.14 Good Working Order  
II.A.15 Operation & Maintenance Plan (O&M Plan)**

Puget Sound Clean Air Agency Regulation I, Section 9.20 requires the equipment to be maintained in ‘good working order’ and Section 7.09(b) requires an O&M Plan that reflects ‘good industrial practice’. The permit defines or clarifies these requirements as follows: “In most instances, following the manufacturer’s operations manual or equipment operational schedule, minimizing emissions until repairs can be completed, and taking measures to prevent a recurrence of the problem may be considered good industrial practice. A determination of whether good industrial practice is being used will be based on available information which may include, but is not limited to, monitoring results, opacity observations, review of operations and maintenance procedures, and inspections of the emission unit or equipment.” The first sentence is consistent with WAC 173-400-101(4). The second sentence is based on Washington State court decision (Longview Fibre Co. v. DOE, 89 Wn. App. 627 (1998)) which held that similar wording was not vague and gave sufficient notice of the prohibited conduct. It is also consistent with 40 CFR 60.11(d), 63.6(e)(1), and 64.7(d)(2).

**II.A.15 Prompt Repair of Defective Equipment**

Puget Sound Clean Air Agency Regulation I, Section 7.09(b)(3) requires an O&M Plan that includes prompt repair of defective equipment or control equipment. The permit defines or clarifies these requirements as follows: “Berry Plastics shall correct any problems identified by the O&M Plan as soon as possible but no later than the end of the next working day or, alternatively, shut down the unit or activity until it can be repaired or corrected. If visible emissions (other than uncombined water) are observed from an emission unit other than a catalytic oxidizer, Berry Plastics also has the option of performing the reference test method.”

**Basis for Inapplicable Requirements**

The requirements listed in Section VIII of Berry Plastics’ air operating permit do not apply to the facility, or to the specific emissions units listed in the permit for the reasons listed below. The permit shield applies to all requirements so identified.

- Puget Sound Clean Air Agency Orders of Approval No. 2703, No. 2868 and No. 3182 do not apply because they were canceled and superseded by Order of Approval No. 6031.
- Puget Sound Clean Air Agency Order of Approval No. 3368 does not apply because it was cancelled and superseded by Order of Approval No. 6119.

- Puget Sound Clean Air Agency Orders of Approval No. 6031 does not apply because it was cancelled. All presses permitted under 6031 have been removed except for press #203 which is permitted under Order #7441 dated 5/13/98 and for press #202 which is subject to emission standards under Section 3.05 of Regulation II. The Smith oxidizer covered by #6031 is now covered by Order #8447 dated 4/5/01.
- WAC 173-400-050(2) does not apply because Berry Plastics does not have any “incinerators” as defined under WAC 173-400-030 (i.e., a furnace used primarily for the thermal destruction of waste). Puget Sound Clean Air Agency considers the thermal oxidizers to be “control equipment.”
- Chapter 173-434 WAC does not apply because Berry Plastics is not a “solid waste incinerator facility” as defined under WAC 173-434-030.
- 40 CFR Part 60, Subparts K, Ka and Kb and Puget Sound Clean Air Agency Regulation II, Section 2.04 do not apply because the storage tanks are below the minimum capacity covered by the standards.
- WAC 173-490-030 does not apply because RCW 70.94.161(17) exempts operating permit sources from registration.
- Puget Sound Clean Air Agency Orders of Approval No. 9295 does not apply because it was canceled and superseded by Order of Approval No. 10246.

### **Basis for Insignificant Emission Units**

Berry Plastics has requested that its space heaters be listed as an insignificant emission unit pursuant to WAC 173-401-530(1)(c) and WAC 173-401-533(2)(r). These heaters (MMBtu/hr: two @ 1.4, nine @ 0.3, two @ 0.4, one @ 0.1), are rated at less than 5 MMBtu/hr and are fired exclusively on natural gas. Therefore, they are insignificant on the basis of their size.

Berry Plastics has requested that the 52-gallon solvent still be listed as an insignificant emission unit pursuant to WAC 173-401-530(1)(c) and WAC 173-401-533(2)(o). These stills are rated at less than 55 gallons-per-batch. Therefore, they are insignificant on the basis of their size.

Berry Plastics has requested that the three 4000-gallon cleaning solvent storage tanks be listed as an insignificant emission unit pursuant to WAC 173-401-530(1)(c) and WAC 173-401-533(2)(c). They are rated at less than 10,000 gallons capacity and store VOC (i.e., ethanol, propanol, isopropanol) with a vapor pressure less than 80 mm Hg @ 21 C. Therefore, they are insignificant on the basis of their size.

Insignificant emission units and activities which are categorically exempt under WAC 173-401-530(1)(b) and WAC 173-401-532 include the following:

Unit	Basis for IEU Designation
Pressurized Storage of CO <sub>2</sub>	WAC-173-401-532(5)
Trucks, Fork Lifts, Autos, etc.	WAC 173-401-532(10)
Plastic Extrusion Equipment	WAC 173-401-532(24) and (28)
Conveying and Storage of Plastic Pellets	WAC 173-401-532(27) and (86)
Plant Upkeep/Painting	WAC 173-401-532(33)
Cleaning of Paved Surfaces	WAC 173-401-532(35)
Ultraviolet Curing Processes	WAC 173-401-532(36)
Portable Drums and Totes	WAC 173-401-532(42)
Comfort Air Conditioning	WAC 173-401-532(46)
Vents/Bathroom Facilities	WAC 173-401-532(48)
Office Activities	WAC 173-401-532(49)
Personal Care Activities	WAC 173-401-532(50)
Personal Cars	WAC 173-401-532(54)
Photographic Process Equipment	WAC 173-401-532(70)
Repair and Maintenance Activities	WAC 173-401-532(74)
Air Compressors	WAC 173-401-532(88)

Berry Plastics is not required to certify these (or any other) insignificant emission units and activities are in compliance with generally applicable requirements such as the opacity and fugitive dust standards.

## **Public Comments and Responses**

*The following comments were received on 12/29/06 from Cathryn Carrothers on behalf of Berry Plastics.*

### **COMMENTS TO NOC No. 9295 ORDER OF APPROVAL**

**1. Applicant:** There is a typo. Please change “Dwayne” to “Dwyane”.

**Response** - Done.

**2. Condition 6:** There is a typo. Please add a negative sign (-) in front of 0.5. Then for clarification, after w.g., please add “(i.e., closer to zero)”. The revised sentence will read ...whenever the static pressure falls below -0.5” w.g. (i.e., closer to zero)...

**Response** - Done. *This change was made to the NOC worksheet prior to the published public comment period but the Order of Approval wasn't revised accordingly. The draft Air Operating Permit open for comment reflected the correct draft Order of Approval conditions.*

**3. Condition 8:** There are two “The date and time of the inspections or tests;”. Please delete one of them.

**Response** - Done. *This change was made to the NOC worksheet prior to the published public comment period but the Order of Approval wasn't revised accordingly. The draft Air Operating Permit open for comment reflected the correct draft Order of Approval conditions.*

**4. Condition 10:** Condition “8” should be Condition “9”.

**Response** - Done. *This change was made to the NOC worksheet prior to the published public comment period but the Order of Approval wasn't revised accordingly. The draft Air Operating Permit open for comment reflected the correct draft Order of Approval conditions.*

**5. Condition 12:** Please change 20 degrees F to 50 degrees F. This request is especially important for the Smith/Anguill which currently has a minimum temperature controller set point of 700 degrees F. This oxidizer has a typical temperature fluctuation from 710 to 780 degrees F depending on the percent solvent or air being put into the system.

Following is the basis for this request to make the change from 20 degrees to 50 degrees: In April, 2004 Berry Plastics submitted a CAM Plan to PSCAA based on EPA's draft document dated November 22, 2002 “Technical Support Document (TSD) for Title V permitting of Printing Facilities. Subsequently EPA has issued a final version, dated January 2005, of the TSD for Title V Permitting of Printing Facilities. See [www.epa.gov/ttnemc01/cam/tsd.pdf](http://www.epa.gov/ttnemc01/cam/tsd.pdf).

On page 4 of the final TSD it is stated that Chapter 4 and Appendix D contain monitoring protocols that may serve as the basis for meeting compliance assurance monitoring (CAM) plan requirements and that the protocols would also be presumptively acceptable for CAM compliance.

Appendix D, Protocol 2 contains the monitoring protocol for a catalytic oxidizer (like those operated at Berry Plastics). (See Page D-50 of the TSD). The Indicator Range for the Catalyst bed (inlet) temperature is stated as follows on page D-53:

An excursion is identified as a measurement of **50°F** less than the average temperature demonstrated during the most recent compliance demonstration, or as any 3-hour period when the average temperature is **50°F** less than the average temperature demonstrated during the most recent compliance demonstration.

***Response*** – *Change made to Condition 12, different from the comment. Based on prior discussions, the tolerance for the catalyst inlet temperature was decreased to 20 degrees to reflect the accuracy of the monitoring system specified in the TSD. Your comment indicates that even the temperature controller on the old Smith/Anguil oxidizer maintains the minimum setpoint temperature (i.e., 700 degrees F) on a continuous basis. No data was provided to indicate otherwise. The existing permits don't even provide a 20 degree tolerance (nor a 3-hour average). Similarly, the semiannual catalyst activity measurements weren't changed to annual, even though the TSD would allow it. The comment has merits, but changing the temperature range which is considered an excursion to 50°F significantly changes the previous determination made in Order of Approval No. 8447, Condition No. 8 (approved April 5, 2001). In that condition, the requirement was that the temperature controller setting shall be no less than the temperature controlling setting during the most recent source test that demonstrated compliance with the destruction efficiency requirement. Condition 12 in this proposed Order has been modified to reflect this approach for compliance demonstration.*

**6. Condition 14:** Condition “3” should be Condition “9”.

***Response*** - *Done. This change was made to the NOC worksheet prior to the published public comment period but the Order of Approval wasn't revised accordingly. The draft Air Operating Permit open for comment reflected the correct draft Order of Approval conditions.*

**7. Condition 15, 4<sup>th</sup> bullet:** For clarification please add “If applicable”. This will bring the condition in line with the Air Operating Permit. Therefore the bullet will read: “If applicable the analytical techniques or methods used;”.

***Response*** - *Done. This change was made to the NOC worksheet prior to the published public comment period but the Order of Approval wasn't revised accordingly. The draft Air Operating Permit open for comment reflected the correct draft Order of Approval conditions.*

**8. Condition 15, 6<sup>th</sup> bullet:** This is redundant to the first bullet. Please delete it.

**Response** - Done. This change was made to the NOC worksheet prior to the published public comment period but the Order of Approval wasn't revised accordingly. The draft Air Operating Permit open for comment reflected the correct draft Order of Approval conditions.

## **COMMENTS TO AIR OPERATING PERMIT**

**1. Condition II.A.6:** There is a typo. Please add a negative sign (-) in front of 0.5. The revised sentence will read ...whenever the static pressure falls below -0.5" w.g. (i.e., closer to zero)...

**Response** - Done.

**2. Condition II.A.10: (Same comment as #5 above).**

Please change 20 degrees F to 50 degrees F. This request is especially important for the Smith/Anguill which currently has a minimum temperature controller set point of 700 degrees F. This oxidizer has a typical temperature fluctuation from 710 to 780 degrees F depending on the percent solvent or air being put into the system.

Following is the basis for this request to make the change from 20 degrees to 50 degrees: In April, 2004 Berry Plastics submitted a CAM Plan to PSCAA based on EPA's draft document dated November 22, 2002 "Technical Support Document (TSD) for Title V permitting of Printing Facilities. Subsequently EPA has issued a final version, dated January 2005, of the TSD for Title V Permitting of Printing Facilities. See [www.epa.gov/ttnemc01/cam/tsd.pdf](http://www.epa.gov/ttnemc01/cam/tsd.pdf).

On page 4 of the final TSD it is stated that Chapter 4 and Appendix D contain monitoring protocols that may serve as the basis for meeting compliance assurance monitoring (CAM) plan requirements and that the protocols would also be presumptively acceptable for CAM compliance.

Appendix D, Protocol 2 contains the monitoring protocol for a catalytic oxidizer (like those operated at Berry Plastics). (See Page D-50 of the TSD). The Indicator Range for the Catalyst bed (inlet) temperature is stated as follows on page D-53:

An excursion is identified as a measurement of **50°F** less than the average temperature demonstrated during the most recent compliance demonstration, or as any 3-hour period when the average temperature is **50°F** less than the average temperature demonstrated during the most recent compliance demonstration.

**Response** - *Change made to Condition 12, different from the comment. Based on prior discussions, the tolerance for the catalyst inlet temperature was decreased to 20 degrees to reflect the accuracy of the monitoring system specified in the TSD. Your comment indicates that even the temperature controller on the old Smith/Anguil oxidizer maintains the minimum setpoint temperature (i.e., 700 degrees F) on a continuous basis. No data was provided to indicate otherwise. The existing permits don't even provide a 20 degree tolerance (nor a 3-hour average). Similarly, the semiannual catalyst activity measurements weren't changed to annual, even though the TSD would allow it. The comment has merits, but changing the temperature range which is considered an excursion to 50°F significantly changes the previous determination made in Order of Approval No. 8447, Condition No. 8 (approved April 5, 2001). In that condition, the requirement was that the temperature controller setting shall be no less than the temperature controlling setting during the most recent source test that demonstrated compliance with the destruction efficiency requirement. Condition 12 in the proposed Order has been modified to reflect this approach for compliance demonstration and this condition of the Air Operating Permit.*

**3. Condition II.B.5:** For clarification purposes Berry Plastics respectively requests that the Data Collection Procedure for Indicator #1 that is stated on page D-54 of the TSD for Title V permitting of Printing Facilities be included in this condition. See Appendix D, Protocol 2, Table 2, Indicator #1 for Catalyst bed (Inlet) temperature. The "Measurement Approach" for this Indicator is stated on page D-53 as follows: "continuously record the operating temperature of the oxidizer catalyst bed." PSCAA has included this Measurement Approach in the AOP as condition II.B.5. However, EPA continues with further recordkeeping clarification with the addition of the Data Collection Procedure which is stated as: "Recorded at least every 15-minutes on a chart or electronic media." Berry Plastics requests that this statement be added to condition II.B.5 for clarification. Currently Berry Plastics employs both chart and electronic media for temperature recording in an effort to always continuously maintain an operating temperature recordkeeping device. Each device is redundant to the other. However, on rare occasions the pen on the chart recorder must be switched out or the computer must be re-booted following a power drop. The addition of the TSD Data Collection Procedure which EPA considers presumptively acceptable monitoring for CAM compliance purposes would help Berry Plastics maintain continuous recordkeeping compliance.

**Response** - *Not done. Continuous recording of the temperature is BACT. Berry Plastics records the operating temperature both electronically with a data logger and mechanically with a chart recorder. There's no plausible reason for any deviation of this permit condition.*

**4. Condition II.C.3:** Berry Plastics prefers to continue the compliance period of the original Air Operating Permit which is from April 21 through April 20. Therefore please change June 30 to April 20. Also please change December 31 to October 20. The revised

sentence will read: “Each Certification of Reports shall cover a six month interval ending April 20 and October 20, ...”.

**Response** - Done.

**5. Condition II.C.4:** Berry Plastics prefers to continue the compliance period of the original Air Operating Permit which is from April 21 through April 20. Therefore please change January 1 to April 21. Also please change December 31 to April 20. The revised sentence will read: “The covered period for annual compliance certifications shall be April 21 through April 20.”

**Response** - Done.

**6. Condition II.C.4:** Please delete the second period at the end of the last sentence.

**Response** - Done.

**7. Inapplicable Requirement VIII.4:** In the description section it is stated that Order of Approval No. 7541 permitted the Stellaflex. Therefore please add Order of Approval No. 7541 into the list in the “Requirement” column and its date (8-12-98) in the “Adoption or Effective Date” column. The requirement column will then include the following numbers: 6119, 7441, 7465, 8447, and 7541.

**Response** - Done.

**8. Inapplicable Requirement VIII.4:** The word “canceles” is spelled wrong. Please correct.

**Response** - Done.

### **COMMENT TO STATEMENT OF BASIS**

**1. Page 8 of 13, 2<sup>nd</sup> paragraph, last sentence:** There is a typo. Please add a negative sign (-) in front of 0.5. Then for clarification, after w.g., please add “(i.e., closer to zero)”. The revised sentence will read ...whenever the static pressure falls below -0.5” w.g. (i.e., closer to zero)...

**Response** - Done.

### **COMMENTS DURING THE SIGNIFICANT PERMIT MODIFICATION PUBLIC COMMENT PERIOD**

The public comment procedures in WAC 173-401-800 were followed, which include publishing the following notice on the Puget Sound Clean Air Agency website:

## Permits Open for Comment

Permit applications listed here require a 30-day public comment period. This allows the public to become part of the permitting process and to impact its outcome. All comments relevant to the proposed permit conditions will be considered. Instructions for submitting comments are included in the "public notice" posted with the permit application.

Permit applications listed here require a 30-day public comment period. This allows the public to become part of the permitting process and to impact its outcome. All comments relevant to the proposed permit conditions will be considered. Instructions for submitting comments are included in the "public notice" posted with the permit application.

### Permits Open For Public Comment

#### **BERRY PLASTICS CORPORATION**

Comment Period: December 16, 2010 - January 14, 2011

#### **What project is proposed for approval?**

The proposed project consists of installing a new printing press, removing older printing presses, and replacing their two catalytic oxidizers with one more efficient Regenerative Thermal Oxidizer (RTO) to control all remaining printing presses. One catalytic oxidizer will remain as an emergency back-up unit that is limited to operate for 336 hours per calendar year. Berry is a flexographic printing facility that releases volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) to the outside air. This project will have the potential to increase annual emissions of the following pollutants: VOCs: 3.83 tons; and HAPs: negligible impact. The type and magnitude of the project also necessitated a Notice of Construction Order of Approval (NOC) permit and Significant Modification to their Air Operating Permit (AOP) from the Puget Sound Clean Air Agency (PSCAA) for all pollutants.

#### **What is PSCAA proposing to do?**

PSCAA is proposing to approve the project. The Agency had made a preliminary determination that this project satisfies all of the requirements for modifying an AOP and issuing an NOC.

PDFs of supporting materials are listed below:

- [Draft Order of Approval No. 10246](#)
- [Draft Air Operating Permit](#)
- [Draft Statement of Basis](#)
- [Public Notice](#) (complete version)

#### **How can you comment on the draft proposal?**

The Agency will accept comments on this project for 30 days from the date this notice is published.

Send written comments to:

Puget Sound Clean Air Agency  
Attention: Gretchen Jüttner  
1904 Third Avenue – Suite 105  
Seattle, WA 98101

Or Email: [gretchenj@psc Clean Air](mailto:gretchenj@psc Clean Air)

On January 14<sup>th</sup>, 2011, the public comment period closed, and the Agency received two written comments. The Order of Approval No. 10246 will now be issued, and the AOP is being processed to send to EPA Region X for the EPA 45-day review period, in accordance with WAC 173-401-810.

## **WRITTEN COMMENTS**

### **WRITTEN COMMENT 1 (Bill Green)**

From: Bill Green <greenrchn@gmail.com> Sent: Mon 1/3/2011 9:46 AM  
To: Gretchen Jüttner  
Cc:  
Subject: Public Comment: Berry Plastics Corporation, AOP Modification

TO: Gretchen Jüttner, Puget Sound Clean Air Agency  
FROM: Bill Green  
DATE: January 3, 2011  
SUBJECT: Public Comment: Berry Plastics Corporation, AOP Modification

Below is my comment on the Berry Plastics Corporation, Notice of Construction Permit No. 10246 and Significant Modification to Operating Permit No. 2877.

Bill Green  
424 Shoreline Ct.  
Richland, WA 99354

**PUBLIC COMMENT:**

The draft AOP significant modification fails to address the *Clean Air Act* (CAA) Title V applicable requirement to regulate greenhouse gases (GHGs) imposed by EPA in the Tailoring Rule. (75 Fed. Reg. 31514, June 3, 2010). For sources with a Title V permit, regulation of GHGs is required effective January 02, 2011. *Id.*

" . . . Sources with title V permits must address GHG requirements when they apply for, renew, or revise their permits. These requirements will include any GHG applicable requirements (e.g., GHG BACT requirements from a PSD process) and associated monitoring, recordkeeping and reporting. When a permit application is otherwise required, they will also need to identify GHG emissions and other information in that application to the extent required under 40 CFR 70.5(c) and 71.5(c), including information necessary to determine applicable requirements. . . ." (75 Fed. Reg. 31523, June 3, 2010) (emphasis is mine)

Because this is a revision to an existing CAA Title V permit (Operating Permit No. 2877) that cannot occur before January 14, 2011 (i.e. after January 02, 2011), this significant modification must also address GHG requirements.

### **Agency Response:**

Per EPA's guidance on how the Tailoring rule affects Title V permits, "existing sources would not need to include GHGs in their Title V permit until their permit is renewed or they make a major modification that increases emissions above 75,000 tons per year of CO<sub>2</sub>e".

(Link: <http://www.epa.gov/nsr/ghgdocs/externalqas.pdf> , starting on page 5 of 7):

**15. How will GHG permitting affect my Title V permit?**

- Starting January 2, 2011, sources with title V permits will be required to address GHGs as part of their title V permits actions. The title V regulations require that title V permits contain all Clean Air Act applicable requirements to which the source is subject.
- Existing sources would not need to include GHGs in their Title V permit until their permit is renewed or they make a major modification that increases emissions above 75,000 tons per year of CO<sub>2</sub>e.

This current modification does not increase emissions above 75,000 tons per year of CO<sub>2</sub>e. As discussed in the Public Notice, this modification incorporates a new Order of Approval for a new RTO which will replace existing oxidizers at the facility. The new Regenerative Thermal Oxidizer (RTO)'s CO<sub>2</sub>e emissions are estimated at 2,118 tons/year.

Ship & Shore RTO GHG emission estimate:

Rated: 4.11 MMBtu/hr  
From AP-42, Section 1.4, assuming 100% conversion to CO<sub>2</sub>,  
EF: 117.65 lbs CO<sub>2</sub>/MMBtu

$$4.11 \frac{\text{MMBtu}}{\text{hr}} \times 8,760 \frac{\text{hrs}}{\text{yr}} \times 117.65 \frac{\text{lbsCO}_2}{\text{MMBtu}} \times 1 \cdot \frac{\text{ton}}{2,000\text{lbs}} = 2,118 \cdot \frac{\text{tonsCO}_2}{\text{yr}}$$

There are no significant, additional sources of GHG emissions at this facility, and we expect that the facility-wide emissions are below 75,000 tons per year of CO<sub>2</sub>e.

**Conclusion:** Since the major modification does not exceed the Tailoring rule CO<sub>2</sub>e threshold, no GHG requirements need to be included in the Air Operating Permit.

Puget Sound Clean Air Agency made no changes to draft Air Operating Permit 28777 as a direct result of the comment. An indirect result of the comment was to include in AOP Section V, *Standard Terms and Conditions*, a new section V.W. *Washington State Program for Reporting of Emissions of Greenhouse Gases*. This section includes the requirements of the newly promulgated Washington State regulation which would apply if the facility were to emit 10,000 metric tons of CO<sub>2</sub>e or more per calendar year.. Federal GHG reporting requirements are not applicable requirements of the AOP as discussed in the Oct. 30, 2009 Fed. Reg. posting on Mandatory Reporting of Greenhouse Gases (Vol. 74, No. 209).

**WRITTEN COMMENT 2 (Curt Howard)**

From: curthoward@berryplastics.com Sent: Fri 1/14/2011 1:11 PM  
To: Gretchen Jüttner  
Cc: ccarrothers@c2air.com; curthoward@berryplastics.com  
Subject: Comments to Public Comment AOP

Gretchen,  
Below are a couple of changes / comments that we have found in regard to the AOP that is out for public comment.

COMMENTS TO PUBLIC COMMENT AOP:

1. Throughout the AOP, replace "Pliant" with "Berry Plastics" except for the following:  
Page 1, after "ISSUED TO:" retain "Pliant."  
Footer, throughout the document, retain "Pliant."
2. Page 10, Condition I.B.6, "Monitoring" column: The referenced condition should be II.A.7 (not II.A.5) because II.A.7 concerns destruction whereas II.A.5 concerns capture.
3. Page 11, Condition I.B.8, "Requirement Paraphrase" column: For clarity, after "Condition 11"  
please add "(see II.A.7)."
4. Page 15, Condition II.A.6, "Requirement" column: For clarity, please replace "this requirement"  
with "Condition I.B.5."
5. Page 16, Condition II.A.7, first line of the "Requirement" column: For clarity, after "Condition 10"  
please add "(see I.B.7)."
6. Page 45, Term No. VIII.5, "Description" column, first word: Typo, "Order" is misspelled.

Please let me know if there is anything else you need from us at this time.

Thanks,  
Curt Howard  
253-395-9715

**Comment 2.1:**

Throughout the AOP, replace “Pliant” with “Berry Plastics” except for the following: Page 1, after “ISSUED TO:” retain “Pliant” and Footer, throughout the document, retain “Pliant”.

**Agency Response:** Puget Sound Clean Air Agency made the above change to draft Air Operating Permit 28777 as a result of the comment.

**Comment 2.2:**

Page 10, Condition I.B.6, “Monitoring” column: The referenced condition should be II.A.7 (not II.A.5) because II.A.7 concerns destruction whereas II.A.5 concerns capture.

**Agency Response:** Puget Sound Clean Air Agency made the above change to draft Air Operating Permit 28777 as a result of the comment.

**Comment 2.3:**

Page 11, Condition I.B.8, “Requirement Paraphrase” column: For clarity, after “Condition 11” please add “(see II.A.7).”

**Agency Response:** Puget Sound Clean Air Agency made the above change to draft Air Operating Permit 28777 as a result of the comment.

**Comment 2.4:**

Page 15, Condition II.A.6, “Requirement” column: For clarity, please replace “this requirement” with “Condition I.B.5.”

**Agency Response:** Puget Sound Clean Air Agency did not make the above requested change. Instead “Condition I.B.5” was replaced with “Order of Approval No. 10246, Condition 9”, because this is the requirement it refers to.

**Comment 2.5:**

Page 16, Condition II.A.7, first line of the “Requirement” column: For clarity, after “Condition 10” please add “(see I.B.7).”

**Agency Response:** Puget Sound Clean Air Agency made the above change to draft Air Operating Permit 28777 as a result of the comment.

**Comment 2.6:**

Page 45, Term No. VIII.5, “Description” column, first word: Typo, “Order” is misspelled.

**Agency Response:** Puget Sound Clean Air Agency made the above change to draft Air Operating Permit 28777 as a result of the comment.

***Administrative Amendment 3***

*On January 19, 2012 we received a request for an administrative modification to change the responsible official’s name from Curt Howard to Craig Hanson.*

Puget Sound Clean Air Agency Response:

*Change made.*