



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

William Wolfe  
Plant Manager  
Pactiv Corporation  
172 Pactiv Way  
Winchester, VA 22603

Re: Request for Termination of Applicability of Organic Liquid Distribution (OLD) MACT Standard at Pactiv Winchester Facility

Dear Mr. Wolfe:

The United States Environmental Protection Agency (EPA) Region III received Pactiv's letter dated October 28, 2009, requesting EPA's written concurrence with their determination that the Organic Liquid Distribution (OLD) Maximum Achievable Control Technology (MACT) no longer applies to their Winchester, VA facility. The Agency believes that the OLD MACT will continue to apply to the Pactiv Winchester, VA facility for the reasons discussed below.

Under Part V.A.12 of the Pactiv Winchester Title V Permit, issued May 16, 2005, Pactiv was required to comply with the Organic Liquid Distribution (OLD) MACT Standard, 40 CFR Subpart EEEE. This standard applied since the Pactiv Winchester facility used ethyl chloride, a hazardous air pollutant (HAP), as a blowing agent for the insulation board manufacturing process and Pactiv met the other requirements for applicability for the OLD MACT at section 63.2338.

On June 2, 2009, Pactiv was issued a revised modification/operation permit for the facility by the Virginia Department of Environmental Quality (VADEQ). The permit allows Pactiv to change the blowing agents used for the insulation board manufacturing process. One of these changes was to eliminate the use of ethyl chloride. Pactiv indicated to the VADEQ in their October 26, 2009 notification letter that the blowing agent change is now complete, and Pactiv is no longer using ethyl chloride at the facility.

Pactiv states that the new blowing agents contain less than 5% HAP and therefore they no longer meet the applicability of the OLD MACT.

Under the OLD MACT, the 5% threshold for HAP content is pertinent for the determination of whether the facility handles an "organic liquid". See § 63.2406 "What definitions apply to this subpart?" As previously established, on the initial compliance date of the OLD MACT, Pactiv met the applicability of the OLD rule with their use of ethylene chloride. Pactiv is still using HAPs in the blowing agent and therefore it is EPA's policy that "once in always in" for MACT rules (see attachment) applies. EPA can not approve of your request for termination of applicability of the OLD MACT. Pactiv is still responsible for the requirements of the OLD MACT, 40 C.F.R. Part 63, Subpart EEEE.



EPA has reviewed Pactiv's request in consultation with the EPA Office of Compliance and Assurance. If you have any questions please contact Leonard Hotham of my staff at 215-814-5778.

Sincerely,

David Arnold, Acting Director  
Air Protection Division

cc: Amy Thatcher Owens, Regional Director VADEQ  
Marcia Mia, EPA OECA

