

## Handout – Title V Compliance Certification & Reporting

Title V Sources are required to submit at least two different types of reports: the Title V Semiannual Report (SAR) and the Title V Annual Compliance Certification (ACC). Other reports (e. g., MACT reports, Acid Rain Program monitoring, etc.) are not covered here.

### Semiannual Report

The semiannual report is submitted every six months on a schedule established by the Title V permit. This report provides records and data for the permitting authority to review, including: (1) a summary of all monitoring and recordkeeping required by the Title V permit; and (2) a report of all potential deviations that occurred during the reporting period.

The semiannual report is a public document. The public doesn't have access to your on-site records, but the reports that you submit are subject to public disclosure, and an interested person can review the reports to see the data that you submit and the compliance issues (if there are any) at your facility. If you are concerned about submitting confidential information with the semiannual report, you can request protection for some types of information (call TDEC-APC for further discussion if necessary).

Every semiannual report includes the following basic elements:

- Company name, address, co. # and permit #
- Reporting period
- Due date
- Summary of monitoring & recordkeeping for all conditions listed in Condition E2-1(a) of the permit
- Identification of **all** deviations
  - Description of deviation
  - Duration
  - Explanation or probable cause
  - Corrective action or preventative measure
- Visible emissions evaluation (if required) for all conditions listed in Condition E2-1(c) of the permit
- Certification Statement (truth, accuracy, & completeness)
- Responsible Official Signature

Condition E2 (or E2-1) of your permit will state that you are required to submit "any monitoring and recordkeeping required by Conditions \_\_\_\_" of your permit. Your permit may also state that a summary of this data is acceptable if the summary includes enough information to allow us to evaluate compliance.

**Example of summary:** You measure pressure drop across a baghouse, and the limit in your permit is 6 inches of water for any daily measurement. The highest pressure drop that you measured during the reporting period was 5 inches of water, and there were no excursions or missed days. A summary

report could be the highest measured value (5 inches of water) and the date on which the measurement occurred. However, if you have multiple deviations or missing data, you must report all of the deviations – not just the highest value.

You have to report **all permit deviations** (this includes all permit requirements – not just the conditions for which monitoring is required). A deviation is any failure to comply with a permit term or condition. Reporting of deviations should include the information listed on the slide: what happened, when and for how long, why the deviation occurred, and how the deviation was corrected. Deviations include excursions (departure from an indicator range) and exceedances (violations of an emission limit or surrogate).

**Note on summary reports – the reviewer can require you to submit additional information (beyond what is shown here) if, in the reasoned judgment of the reviewer, the information is necessary to determine the compliance status of the facility.**

### **Submittal of VEEs**

If your permit requires visible emissions evaluations (VEEs) using the opacity matrix (typically found in Attachment 1 of the permit), you have to submit the VEEs when they are due. VEEs are typically not required with every SAR – if a VEE is not due, this should be indicated in the semiannual report.

### **Certification Statement**

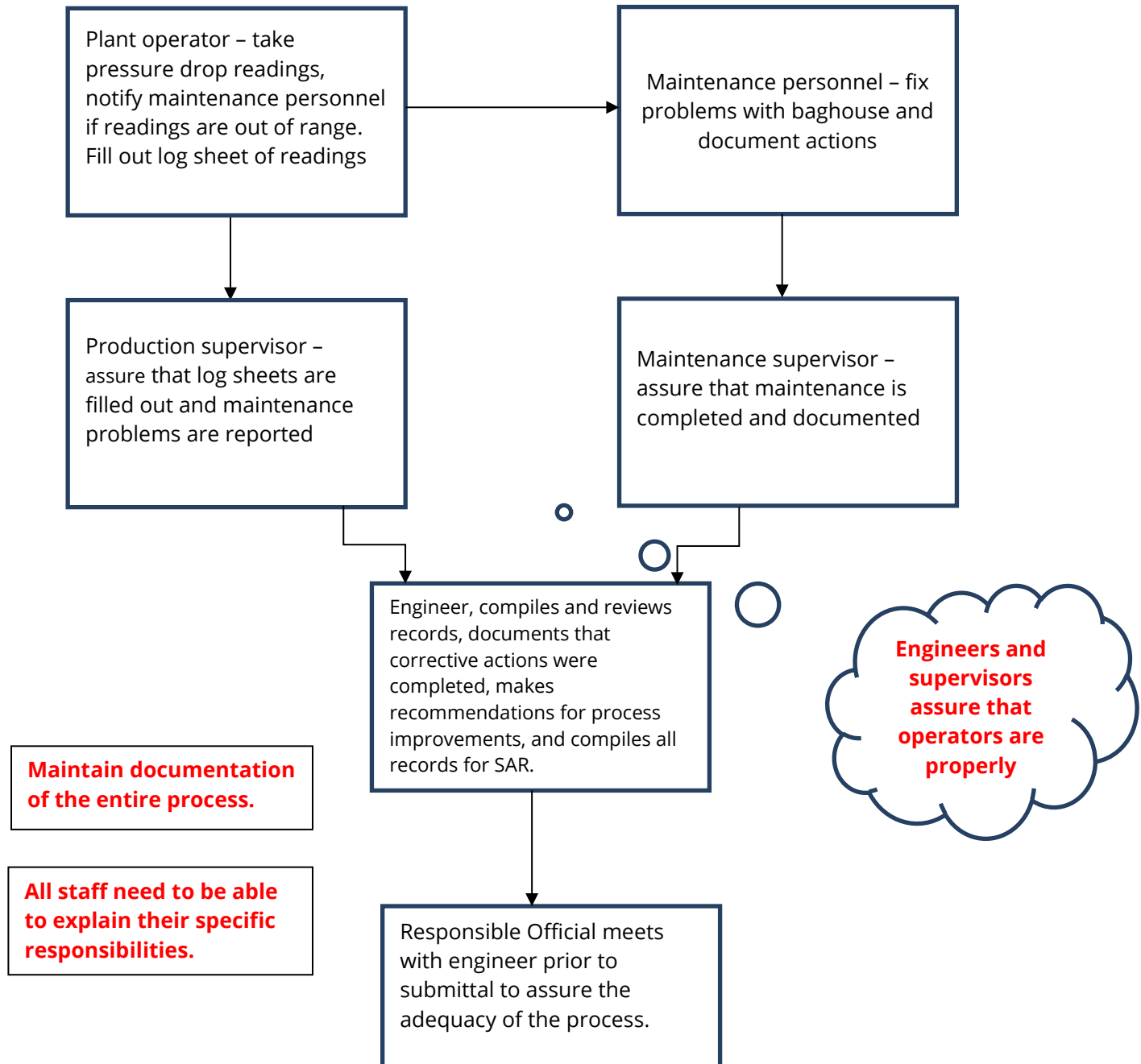
The certification statement makes one person responsible for the contents of permit applications, reports, and compliance certifications. The Title V certification statement is a legally binding statement, like swearing an oath in court. The certification requirement is established by the Clean Air Act, and the specific language comes from EPA's Title V regulations (§70.5(d)), which state:

"Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

This language is also required by Tennessee's Title V regulations, and we don't allow the use of alternate language. The certification statement requires **reasonable inquiry**. This statement means that the responsible official has taken steps to verify the information submitted with the report. "Reasonable inquiry" can be hard to define – the Responsible Official would not necessarily be required to verify the individual data points submitted with a report – but the process that you use needs to be defensible if it is ever questioned.

## A Simple Example of Reasonable Inquiry

**Requirement:** Collect baghouse pressure drop readings once per shift, and take corrective action for any readings that are out of range.



The following is a suggested format from TDEC APC. You are not required to use this format, but it will be made available to anyone upon request.

### SEMIANNUAL REPORT CERTIFICATION

Facility Owner/Company Name: \_\_\_\_\_  
 Facility Address: \_\_\_\_\_  
 Emission Source Reference Number: \_\_\_\_\_

| Title V Permit Number | Reporting Period | Report Deadline |
|-----------------------|------------------|-----------------|
|                       |                  |                 |

This report is required pursuant to TAPCR 1200-03-09-.02(11)(e)1.(iii).

### **RESPONSIBLE OFFICIAL CERTIFICATION**

I, the undersigned, am the responsible official as defined in TAPCR 1200-03-09-.02 (11)(b)21 of the Title V source for which this document is being submitted. This document consists of \_\_\_\_\_ pages and they are numbered from page \_\_\_\_ to \_\_\_\_\_. I hereby certify, based on the information and belief formed after reasonable inquiry that the statements made and data contained in this document are true, accurate, and complete.

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

"Responsible Official" is defined in Tennessee Air Pollution Control Regulations (TAPCR) 1200-03-09-.02(11)(b)21 as one of the following:

- For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - The delegation of authority to such representative is approved in advance by the Technical Secretary;

- For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).
- The rule includes additional provisions for Acid Rain Program facilities, but those requirements are not listed here.

### **Annual Compliance Certification**

The annual compliance certification is submitted every year on the schedule established by the Title V permit, and it covers a twelve-month period. The ACC is submitted for many of the same reasons as the SAR – reporting of compliance status and public review. However, there are two important differences – the annual compliance certification is submitted to U. S. EPA for review, and the annual compliance certification includes all permit conditions.

On a day-to-day basis, the Title V regulations are implemented by State permitting programs – EPA (usually) does not write permits or review semiannual reports, and EPA inspections are typically less frequent than State inspections. However, since EPA oversees the State programs, the Title V program requires you to submit the ACC to EPA. The ACC gives EPA a summary of your compliance status for the previous 12 months, but it doesn't include the level of detail that you include with your semiannual report.

In addition, you submit the ACC to certify that you were in or out of compliance with all of your permit conditions during the reporting period. This is the other reason for submitting an ACC – you are certifying to Tennessee and to EPA that you complied with all of your permit conditions, regardless of whether reporting was required or not.

You do not submit records with the ACC – you certify that you kept the records and submitted your reports as required by the Title V permit.

Finally, the Title V permit requires ACCs to include “Such other facts as the Technical Secretary may require to determine the compliance status of the source.” If there is other information that we need to determine your compliance status (i. e., anything not covered by other SAR/ACC requirements) you need to submit it with the ACC.

You must include the following information in your annual compliance certification:

1. Company name, address, company number (xx-xxxx), and permit number.
2. Reporting period

3. Identify the term or condition (i. e., list the condition number). **Each condition in Sections A, B, D, and E must be listed separately.**
4. Identify the methods that you use to assure compliance with the permit condition.
5. State whether the compliance status is based on continuous or intermittent data.
6. Certify the compliance status of each condition as “continuous” or “intermittent.”
7. Identify **all** deviations
  - Description of deviation
  - Duration
  - Explanation or probable cause
  - Corrective action or preventative measure
8. “Such other facts as the Technical Secretary may require to determine the compliance status of the source.”
9. Certification Statement (truth, accuracy, & completeness)
10. Responsible Official Signature

**Continuous compliance** means that you were in compliance during the ACC term, with no deviations, and no other information that indicates deviations. Any other form of compliance would be **intermittent compliance**. Intermittent compliance would not include periods for which compliance is not required (e. g., some rules do not require compliance during SSM events). If your permit includes a data availability requirement (e. g., 95% per quarter for CEMS), missing data would not be intermittent compliance as long as you didn’t exceed the data availability requirement

**Deviations:** You must identify any deviations that occurred. The information that you must report for deviations in the ACC is the same information that you were required to report in the SAR. Keep in mind that the ACC must include deviations that occurred for **both** semiannual reporting periods.

**Such other facts as the Technical Secretary may require:** This may include the following:

- If you conducted a stack test that was not required by your permit, you would need to include the test results as part of the ACC (this is especially true if the stack test shows a violation).
- Accidental releases that are not reportable under another permit condition.
- **If you are issued a Notice of Violation during the first SAR period, then you must note this in your ACC.**

- If you are operating under a compliance plan.

**Certifying Multiple Permits in the ACC:** If a Title V renewal is issued during the reporting period, the permittee must certify the compliance status with both permits in the ACC.

**Example:** Two permits are effective during a reporting period of January 1 – December of each calendar year:

Title V permit 56xxxx is applicable from January 1 – August 31

Title V permit 57yyyy is applicable from September 1 – December 31

The easiest way to certify the compliance status of both permits is to submit two copies of the ACC: One version covering permit 56xxxx from January 1 – August 31, and the second covering permit 57yyyy from September 1 – December 31.

### RESPONSIBLE OFFICIAL CERTIFICATION FOR ACC

I, the undersigned, am the responsible official as defined in TAPCR 1200-03-09-.02 (11)(b)21 of the Title V source for which this document is being submitted. With the possible exception of those permit terms and conditions identified above (referring to a list of deviations, exceedances and excursions), the emission sources described in permit #\_\_\_\_\_ were in compliance with all permit terms and conditions over the previous year as determined by all required testing and monitoring in the permit and other material information.

I hereby certify, based on the information and belief formed after reasonable inquiry, that the statements made and data contained in this document are true, accurate, and complete.

Signature:

Name:

Title:

Date:

### Common Problems with SARs and ACCs

1. Late submittals.
2. Improper certification – RO certification is omitted or improperly worded.
3. Missing data or failure to submit VEEs.
4. Failing to identify all deviations. CAA §113(c)(2) prohibits knowingly making a false certification or omitting material information.

5. Including unnecessary information (including all records instead of a summary, including records that are not required to show compliance).
6. For the ACC, excluding one or more sections of the permit (typically, A, B, or D). Failure to separately list each condition in Sections A, B, D, and E.
7. Combining the SAR and ACC into a single document.

#### **Other Comments on ACCs:**

1. The most important things to do in the ACC are to address all permit conditions and to correctly state the compliance status for all conditions and for the entire ACC period (both SARs).
2. Use of abbreviations is acceptable, provided that the abbreviations are understandable (e. g., "VOC"). Uncommon abbreviations should be defined in the ACC.
3. "Continuous compliance" vs. "not applicable." "Not applicable" should be used only for instructional conditions like A1, A3, A5, etc.
4. "Continuous compliance" vs. "in compliance – no deviations." 40 CFR 70.6(c)(5)(iii)(C) explicitly requires the ACC to state "continuous" or "intermittent" compliance.
5. If intermittent compliance occurs in overlapping conditions (e. g., ACC due dates in B5 and E2-1(b)), then both conditions should be listed as "intermittent compliance."
6. Method(s) or other means: in general, you are only required to include the minimum information (methods and means required by the permit). However, if the methods and means required by the permit show continuous compliance, but other information (i. e., not required by the permit) shows intermittent compliance, you must identify "any other material information" to correctly certify the compliance status.



## Annual Compliance Certification Example

|                                                  |  |
|--------------------------------------------------|--|
| <b>Facility Owner</b>                            |  |
| <b>Site Name</b>                                 |  |
| <b>Site Address</b>                              |  |
| <b>Emission Source Reference Number</b>          |  |
| <b>Title V Permit Number</b>                     |  |
| <b>Effective Date of Title V Permit</b>          |  |
| <b>Reporting Period for Annual Certification</b> |  |
| <b>Annual Certification Submittal Due Date</b>   |  |

| General Permit Conditions |                                                                          |                                               |                                                |
|---------------------------|--------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------|
| Condition                 | Summary of Condition                                                     | Method or Other Means To Determine Compliance | Compliance Status (Continuous or Intermittent) |
| A1                        | General permit conditions related to Definitions.                        | Method Not Specified in Title V Permit        |                                                |
| A2                        | General permit conditions related to Compliance Requirement.             | Method Not Specified in Title V Permit        |                                                |
| A3                        | General permit conditions related to Need to Halt or Reduce Activity.    | Method Not Specified in Title V Permit        |                                                |
| A4                        | General permit conditions related to The Permit.                         | Method Not Specified in Title V Permit        |                                                |
| A5                        | General permit conditions related to Property Rights.                    | Method Not Specified in Title V Permit        |                                                |
| A6                        | General permit conditions related to Submittal of Requested Information. | Method Not Specified in Title V Permit        |                                                |

| <b>General Permit Conditions</b> |                                                                     |                                                      |                                                       |
|----------------------------------|---------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------|
| <b>Condition</b>                 | <b>Summary of Condition</b>                                         | <b>Method or Other Means To Determine Compliance</b> | <b>Compliance Status (Continuous or Intermittent)</b> |
| A7                               | General permit conditions related to Severability Clause.           | Method Not Specified in Title V Permit               |                                                       |
| A8                               | General permit conditions related to Fee Payment.                   | Method Not Specified in Title V Permit               |                                                       |
| A9                               | General permit conditions related to Permit Revision Not Required.  | Method Not Specified in Title V Permit               |                                                       |
| A10                              | General permit conditions related to Inspection and Entry.          | Method Not Specified in Title V Permit               |                                                       |
| A11                              | General permit conditions related to Permit Shield.                 | Method Not Specified in Title V Permit               |                                                       |
| A12                              | General permit conditions related to Permit Renewal and Expiration. | Method Not Specified in Title V Permit               |                                                       |
| A13                              | General permit conditions related to Reopening for Cause.           | Method Not Specified in Title V Permit               |                                                       |
| A14                              | General permit conditions related to Permit Transference.           | Method Not Specified in Title V Permit               |                                                       |
| A15                              | General permit conditions related to Air Pollution Alert.           | Method Not Specified in Title V Permit               |                                                       |
| A16                              | General permit conditions related to Construction Permit Required.  | Method Not Specified in Title V Permit               |                                                       |
| A17                              | General permit conditions related to Notification of Changes.       | Method Not Specified in Title V Permit               |                                                       |
| A18                              | General permit conditions related to Schedule of Compliance.        | Method Not Specified in Title V Permit               |                                                       |
| A19                              | General permit conditions related to Acid Rain Program.             | Method Not Specified in Title V Permit               |                                                       |

| General Permit Conditions |                                                                                                                       |                                               |                                                |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------|
| Condition                 | Summary of Condition                                                                                                  | Method or Other Means To Determine Compliance | Compliance Status (Continuous or Intermittent) |
| A20                       | General permit conditions related to 112(r).                                                                          | Method Not Specified in Title V Permit        |                                                |
| B1                        | General permit conditions related to Recordkeeping.                                                                   | Method Not Specified in Title V Permit        |                                                |
| B2                        | General permit conditions related to Retention of Monitoring Data.                                                    | Method Not Specified in Title V Permit        |                                                |
| B3                        | General permit conditions related to Reporting.                                                                       | Method Not Specified in Title V Permit        |                                                |
| B4                        | General permit conditions related to Certification.                                                                   | Method Not Specified in Title V Permit        |                                                |
| B5                        | General permit conditions related to Annual Compliance Certification.                                                 | Method Not Specified in Title V Permit        |                                                |
| B6                        | General permit conditions related to Submission of Compliance Certification.                                          | Method Not Specified in Title V Permit        |                                                |
| B7                        | Reserved                                                                                                              |                                               |                                                |
| B8                        | General permit conditions related to Excess Emissions Reporting.                                                      | Method Not Specified in Title V Permit        |                                                |
| B9                        | General permit conditions related to Malfunctions, Startups, and Shutdowns - Reasonable Measures Required.            | Method Not Specified in Title V Permit        |                                                |
| B10                       | Reserved                                                                                                              |                                               |                                                |
| B11                       | General permit conditions related to Report Required Upon the Issuance of a Notice of Violation for Excess Emissions. | Method Not Specified in Title V Permit        |                                                |

| General Permit Conditions |                                                                                                                    |                                               |                                                |
|---------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------|
| Condition                 | Summary of Condition                                                                                               | Method or Other Means To Determine Compliance | Compliance Status (Continuous or Intermittent) |
| D1                        | General applicable requirements related to Visible Emissions.                                                      | Method Not Specified in Title V Permit        |                                                |
| D2                        | General applicable requirements related to General Provisions and Applicability for Non-process Gaseous Emissions. | Method Not Specified in Title V Permit        |                                                |
| D3                        | General applicable requirements related to Non-process Emission Standards.                                         | Method Not Specified in Title V Permit        |                                                |
| D4                        | General applicable requirements related to General Provisions and Applicability for Process gaseous emissions.     | Method Not Specified in Title V Permit        |                                                |
| D5                        | General applicable requirements related to Particulate emissions for process emission sources.                     | Method Not Specified in Title V Permit        |                                                |
| D6                        | General applicable requirements related to Sulfur Dioxide Emission Standards.                                      | Method Not Specified in Title V Permit        |                                                |
| D7                        | General applicable requirements related to Fugitive Dust.                                                          | Method Not Specified in Title V Permit        |                                                |
| D8                        | General applicable requirements related to Open Burning.                                                           | Method Not Specified in Title V Permit        |                                                |
| D9                        | General applicable requirements related to Asbestos.                                                               | Method Not Specified in Title V Permit        |                                                |
| D10                       | General applicable requirements related to Annual Certification of Compliance.                                     | Method Not Specified in Title V Permit        |                                                |

| General Permit Conditions |                                                                                |                                                                                        |                                                |
|---------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------|
| Condition                 | Summary of Condition                                                           | Method or Other Means To Determine Compliance                                          | Compliance Status (Continuous or Intermittent) |
| D11                       | Emission Standards for Hazardous Air Pollutants                                | Method Not Specified in Title V Permit                                                 |                                                |
| D12                       | Standards of Performance for New Stationary Sources                            | Method Not Specified in Title V Permit                                                 |                                                |
| D13                       | Gasoline Dispensing Facilities.                                                | Method Not Specified in Title V Permit                                                 |                                                |
| D14                       | Internal Combustion Engines.                                                   | Method Not Specified in Title V Permit                                                 |                                                |
| D15                       | Maintain and Repair source and controls                                        | Method Not Specified in Title V Permit                                                 |                                                |
| E1                        | Fee payment.                                                                   | Method Not Specified in Title V Permit                                                 |                                                |
| E2-1                      | Reporting requirements                                                         | (a) Quarterly Reports<br>(b) Semiannual Reports<br>(c) Annual compliance certification |                                                |
| E2-2                      | Recordkeeping : Data Entry Requirements                                        | Method Not Specified in Title V Permit                                                 |                                                |
| E2-3                      | Averaging Time Requirements                                                    | Method Not Specified in Title V Permit                                                 |                                                |
| E2-4                      | Visible Emissions evaluation: General Requirements                             | Method Not Specified in Title V Permit                                                 |                                                |
| E3-1                      | Visible Emissions                                                              | Opacity Matrix                                                                         |                                                |
| E3-2                      | General Recordkeeping Requirements                                             | Method Not Specified in Title V Permit                                                 |                                                |
| E3-3                      | Identification of Responsible Official, Technical Contact, and Billing Contact | Method Not Specified in Title V Permit                                                 |                                                |

| <b>Source Description: Coal-Fired Boilers (Emission unit nos. xx-xxxx-xx through xx-xxxx-xx)</b> |                                                                                                                                                           |                                                                                                           |                                                       |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>Condition</b>                                                                                 | <b>Summary of Condition</b>                                                                                                                               | <b>Method or Other Means To Determine Compliance</b>                                                      | <b>Compliance Status (Continuous or Intermittent)</b> |
| E4-1                                                                                             | Description of Source and allowable fuels.                                                                                                                | Method Not Specified in Title V Permit                                                                    |                                                       |
| E4-2                                                                                             | The amount of on/off spec oil and nonhazardous solvent burned shall not exceed 100,000 gallons per year.                                                  | Method Specified in Title V Permit - Maintain daily records                                               |                                                       |
| E4-3                                                                                             | Test burns of alternate fuels can be conducted for up to 30 days provided that notification is made to TEDC 30 prior to testing.                          | Method Not Specified in Title V permit                                                                    |                                                       |
| E4-4                                                                                             | Particulate emission limit shall not exceed 0.109 lb/MMBtu.                                                                                               | Method Specified in Title V - Permit - testing and reporting and COMS as specified in the CAM plan.       |                                                       |
| E4-5                                                                                             | SO <sub>2</sub> emissions shall not exceed 4.0 lb/MMBtu for a 24-hour period midnight to midnight; de minimis criteria of one 24-hour exceedance per year | Method Specified in Title V Permit - monitoring                                                           |                                                       |
| E4-6                                                                                             | Operational Availability Condition for the Sulfur Dioxide Monitoring System                                                                               | Method Not Specified in Title V Permit                                                                    |                                                       |
| E4-7                                                                                             | Quality Assurance condition for the SO <sub>2</sub> CEMS.                                                                                                 | Method Not Specified in Title V Permit                                                                    |                                                       |
| E4-8                                                                                             | Visible emissions shall not exceed 20% opacity except for 1-six minute average per hour of not more than 40 percent.                                      | Method Specified in Title V Permit - Method 9 VEE performed biannually, unless stated exceptions are met. |                                                       |
| E4-9                                                                                             | Allowance for excess visible emissions due to routine start-up and shut-down conditions.                                                                  | Method Not Specified in Title V Permit                                                                    |                                                       |
| E4-10                                                                                            | Operational Availability Condition for                                                                                                                    | Method Not Specified in Title V Permit                                                                    |                                                       |

**Additional Information:** Provide (if applicable) any other facts that the Technical Secretary may require to determine the compliance status of the source.

I, the undersigned, am a responsible official, as defined in TAPCR 1200-03-09-.02(11)(b)21, for the Title V source in relation to which this document is being submitted. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements and information in this document are true, accurate and complete. I further certify, based on information and belief formed after reasonable inquiry, that the emissions sources identified in Permit No. \_\_\_\_\_ were in compliance with all terms and conditions for the applicable reporting period, with the possible exception of those permit terms and conditions identified above, as determined by all required testing and monitoring in the permit and other material information as set forth above.



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**(Signature)**

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**(Name)**

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**(Date)**

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**(Title)**