

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**FINAL APPROVAL OF March 1, 2002 REVISION**

**FIELD OPERATIONS MANUAL FOR AIR INSPECTORS**  
**Air Standard Operating Procedures (ASOPs)**

***ASOP-6: TITLE V REPORT/CERTIFICATION EVALUATIONS***

**Per Collaboration Process Development Memo Dated July 20, 2000**

- Revision coordinated by Manager, Office of Air Compliance Coordination
- Reviewed by regional Air Compliance Managers and designees
- Presented to Senior Management Team for review and comment
- Finalized by Manager, Office of Air Compliance Coordination



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DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**ASOP - 6**  
**TITLE V REPORT/CERTIFICATION EVALUATIONS**

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## **I. INTRODUCTION AND PURPOSE**

In order to reduce and prevent violations of air pollution laws and improve the enforcement of those laws, the United States Environmental Protection Agency (EPA) instituted an initiative to permit facilities with state or federally enforceable permits to operate. In accordance with 40 CFR Part 70, the establishment of a comprehensive state air quality permitting system consistent with the requirements of Title V of the Clean Air Act was due for submittal by each state wishing to comply with 40 CFR Part 70 not later than November 15, 1993. Virginia's proposed program was submitted to EPA on November 15, 1993.

Title V permits are issued to:

- sources which are major for criteria pollutants or HAPs.
- sources (major or area) subject to NSPS (40 CFR Part 60).
- sources (major and area) subject to any NESHAP (40 CFR 61) or any MACT (40 CFR 63), unless otherwise stated under section 112 of the Act.
- sources in a source category designated by the Administrator (EPA) pursuant to 40 CFR Part 70.

Each Title V permit is designed to:

- integrate all of a facility's existing requirements into a single permit;
- require monitoring, testing, and recordkeeping as necessary to demonstrate compliance on a continuous basis
- require semi-annual monitoring reports
- require annual compliance certifications
- make the terms of the permit federally enforceable

The content of the semi-annual monitoring report and the annual compliance certification report is specified in a general way in the Title V permit and in 40 CFR Part 70. Acceptable reporting elements and format are provided within this guidance document. Upon receipt of a report, the inspector will conduct a technical evaluation and notify the facility in writing of the results, as follows:

- the report appears to be complete and acceptable in accordance to 40 CFR Part 70 and 9 VAC 5 Chapter 80
- additional information needs to be provided
- appropriate enforcement action will be taken

## II. DEFINITIONS

For purposes of this guidance and any related use, the following words or terms have the meaning stated:

- **Area source** – Any stationary source that is not classified as a major source for Title V purposes.
- **CAM** – Compliance Assurance Monitoring Rule - Requiring collection and evaluation of data, including self-monitoring reports and verification to show whether pollutant concentrations and loads are in compliance with permit limits.
- **CEM** – Continuous Emissions Monitor – The equipment used to sample and condition (if applicable), to analyze, and to provide a permanent continuous record of emissions. Monitors may be direct or indirect compliance monitors, or may be used to evaluate control efficiency.
- **Certifiable conditions** – Conditions that have required action by the source during the reporting period. Examples would include recordkeeping, monitoring, notifications, observations, inspections, calculations, limitations and testing. Conditions that are included in a permit that inform about underlying regulations such as property rights, Federal Enforceability, Severability and Duty to Comply are not certifiable unless the source has had to take action in reference to them.
- **CFR** – Means the Code of Federal Regulations.
- **Certification** – A signed statement by a qualifying official, as defined in the regulations, attesting to the accuracy and truthfulness of a report or document.
- **CMS** – Refers to EPA's Compliance Monitoring Strategy (CMS) which establishes the method for targeting inspections, and establishes the federal 105 grant commitment between DEQ and EPA. This ASOP is based on the April 25, 2001 version of the EPA CMS Policy.
- **Continuous compliance** – Means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations, and no other information that indicates deviations. Monitoring data includes information from instrumental (e.g., Continuous Emission Monitors (CEMS), Continuous Opacity Monitors (COMS), or parameter monitors) and non-instrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring.
- **Continuous data** – The results of monitoring, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure that is designed to serve as monitoring on a continuous basis, provided (1) the number of data records generated is equivalent to the number of averaging periods for the permit term and condition over the reporting period of the compliance certification; (2) the data have the same averaging period as the permit term and condition; and (3) the data are in the same units as the permit term and condition, or correlated directly with that permit term and condition.

- **Deviations** – Conditions at the source that are different than the conditions specified in the permit or regulations. To include: (1) exceedances of emission limits, as determined by such means as stack testing, continuous emission monitors, parametric monitoring and EPA Method 9 visible emission evaluations; (2) excursions from control device operating parameter requirements such as afterburner temperature, scrubber flow rate, baghouse pressure drop; (3) excursions from operational restrictions such as throughput, fuel quality, and coating VOC and HAP content; and (4) failure to meet monitoring, recordkeeping or reporting requirements. Each deviation must be in accordance with the averaging period or limit in the permit. Ex: If an incinerator permit specifies a minimal hourly average operating temperature for the afterburner, a deviation would be reported if the hourly average temperature went below the permit limit; a deviation would not be reported, however, every time the operating temperature went below the minimum temperature.
- **Exceedance** – A condition that is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions (or opacity) are greater than the applicable emission limitation or standard (or less than the applicable standard in the case of a percent reduction requirement) consistent with any averaging period specified for averaging the results of the monitoring.
- **Excess Emission Report** – Periodic reports that provide valid emissions data, identifying the cause of excess emission during each emissions incident and the corrective action performed to return the monitor or the equipment causing the excess emissions to proper operation. The report also provides quality assurance results of any audits conducted during the reporting period. Various other types of information are also required, such as the percent availability of the CEM, the source operating time, and the percent of the source operating time that the CEM was also operating.
- **Excursion** – A departure from an indicator range established for monitoring under CFR Part 64, consistent with any averaging period specified for averaging the results of the monitoring.
- **FCE** – Full Compliance Evaluation – A Full Compliance Evaluation (FCE) is a comprehensive evaluation of the compliance status of a facility. It addresses all known regulated pollutants at all identified emissions units.
- **HAPs** – Hazardous air pollutants – Air pollutants which are not covered by ambient air quality standards but which, as defined in the Clean Air Act, may present a threat of adverse human health effects or adverse environmental effects. Such pollutants include asbestos, beryllium, mercury, benzene, coke oven emissions, radionuclides, vinyl chloride and air pollutants listed in Section 112 (b) of the Clean Air Act.
- **Inspector** – Any DEQ employee designated as having the authority to conduct official compliance evaluations (inspections).
- **Incident** – An occurrence or event.
- **Intermittent compliance** – Any form of compliance other than continuous compliance.
- **Intermittent data** – Data which are not continuous data.
- **MACT** – Maximum Achievable Control Technology – Requirements which are technology-based emission standards for hazardous air pollutants promulgated in Section 112 of the Clean Air Act. They are source-specific, with requirements being promulgated over a ten-year period beginning with the enactment of the Clean Air Act Amendments in 1990. Each new source MACT is defined as the maximum emission control currently being achieved by the best-controlled similar source. Promulgated MACTS are found in Part 63 of the CFR.

- **Major Source** – For the purposes of this document, a major source is any source subject to Title V regulations as defined in SAPCB Regulations, 9 VAC 5 Chapter 80.
- **Malfunction** – Any sudden failure (of air pollution control equipment, of process equipment, or of a process) to operate in a normal or usual manner, which failure is not due to intentional misconduct or negligent conduct on the part of the owner or other person.
- **Means of determining compliance status** – The methods used to obtain information that supports the source's status with respect to a permit condition or regulation.
- **Monitoring** – A measurement that ensures the proper operation of control equipment or equipment with emissions subject to regulation. Monitoring may be by direct measurement of pollutants, or by parametric monitoring, which means measuring equipment parameters which provide assurance that the control methods used for the unit are performing as intended.
  
- **NESHAP** – National Emission Standards for Hazardous Air Pollutants – (40 CFR 61) Emissions standards set by EPA for an air pollutant not covered by NAAQS that may cause an increase in fatalities or in serious, irreversible, or incapacitating illness. Primary standards are designed to protect human health, secondary standards to protect public welfare (e.g., building facades, visibility, crops, and domestic animals), adopted by reference in the state Regulations.
- **Non-compliance** – conditions that exist or have existed that are outside of conditions specified in permits or regulations.
- **NSPS** – New Source Performance Standards – (40 CFR 60) Uniform national EPA air emission standards which limit the amount of pollution allowed from new sources or from modified existing sources, adopted by reference in the state Regulations.
- **"Other" Deviations** – Any deviation, not previously identified, that impacts compliance with permit conditions or regulations.
- **PCE** – Partial Compliance Evaluation – A documented compliance assessment focusing on a subset of regulated pollutants, regulatory requirements, or emission units at a given facility. PCEs can be combined in accordance with ASOP-2 to satisfy the requirements of a Full Compliance Evaluation (FCE).
- **Period** – The beginning month, day and year through the ending month, day and year covered by the report. Semi-annual period is six calendar months. Annual period is twelve calendar months.
- **Prompt Deviation Report** – Reports detailing deviations from permit conditions or regulations that may cause emissions for more than one hour. These reports are submitted within 4 daytime business hours, followed within 14 days of occurrence by a written statement explaining the problem, any corrective action or preventive measures taken, and the estimated duration of the deviation unless otherwise stated in the permit.
- **SAPCB Regulations** – Means the State Air Pollution Control Board Regulations for the Control and Abatement of Air pollution.
- **Type of data the means provides** – Does the data support compliance for all required times and conditions without any breaks.

### **III. TITLE V REPORT/CERTIFICATION EVALUATIONS**

#### **A. PROCEDURES**

##### **Preparing for Report/Certification Review**

Before reviewing either a Semi-Annual Monitoring Report or Annual Compliance Certification, inspectors need to first conduct a review of all relevant information in the source files (including electronic data in CEDS). The historical information will allow the inspectors to educate themselves about facility upsets, malfunctions, reported deviations, and applicable enforcement history in order to be fully prepared when evaluating the report/certification.

Data to be reviewed includes:

- Title V Permit and all other Permits issued
- Compliance/enforcement history
- Details about the process (if applicable)
- Information about equipment
- Control strategies
- Applicable regulations
- Emissions data
- Reported Malfunctions / Deviations
- Facility contacts
- Correspondence on outstanding issues
- Applicability determinations
- Applicable agency decisions/interpretations
- Outstanding events, enforcement, or permit applications

##### **Certification Evaluation Requirements**

An appropriate evaluation shall be conducted to assure that the submitted report/certification meets all the appropriate requirements. A helpful checklist for inspectors may be found in Appendix A.

Upon evaluating the semi-annual monitoring reports and annual compliance certification there are certain components to the report that are required.

##### **Annual Compliance Certification**

1. Identify each term or condition of a permit that is the basis of certification. DEQ can require owners to restate permit terms or incorporate permit tables listing emission units and their respective applicable requirements.

2. Identify methods or other information used to determine/verify compliance status of each certifiable term and condition of the permit. The report/certification is to identify monitoring and/or testing methods for each emission unit and its associated applicable requirements. The certification may cross-reference the permit, previous compliance reports or other applicable documentation in order to satisfy this requirement and should identify all assessed material information that potentially affects the source's compliance status during the reporting period.
3. Identify whether the means of collecting data used to determine the compliance status of each certifiable term and condition of the permit is continuous or intermittent. The certification must include the information contained in 2 above. See definitions provided for continuous and intermittent data.
4. To identify the compliance status of each term and condition of the permit, a source shall certify intermittent compliance when basing its certification on incomplete monitoring data (as specified in permit) or on methods or other information which identifies any deviation, exceedance or excursion. A source may certify continuous compliance when basing its certification on methods or other information providing continuous data (as specified in permit) but not indicating deviations, exceedances or excursions from those permit terms or conditions.
5. Identify other certifiable terms and conditions that are applicable and not addressed in a permit condition, but acknowledged within the regulations.
6. Responsible official certification: In order to comply with 40 CFR 70.5(d), the following statement is required: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this certification are true, accurate, and complete."

#### Semi-annual Monitoring Reports

1. All instances of deviations from the permit or applicable regulations must be clearly identified in the report. There are certain components to the report that are required.
  - Condition number and description of requirement
  - Description of the deviation to include time, emission unit, description of the event and the cause
  - Description of associated monitoring requirement
  - Description of corrective measure taken (demonstrating a timely and appropriate response).
2. Identify deviations or possible exceptions to compliance: for those units in which a deviation (as defined by state rule) or an excursion or exceedance (as defined by CAM rule, 40 CFR 64.1) has occurred over the certification period, the certification should identify the emissions unit, applicable requirement(s), monitoring requirement(s), dates of the deviation, excursion, or exceedance or other possible exceptions to compliance and actions taken to rectify the deviations, excursion or exceedance. Under the original Part 70 regulations, an identification of deviations, exceedances and excursions is necessary to fully comply with the requirement to identify whether compliance is continuous or intermittent.

3. Responsible official certification: In order to comply with 40 CFR 70.5(d), the following statement is required: “based on information and belief formed after reasonable inquiry, I certify that the statements and information in this certification are true, accurate, and complete.”

**B. EVALUATION TYPE**

1. Reports shall be reviewed within 30 days of receipt.
2. Inspection reports shall be completed in accordance with ASOP-2.

**C. INSPECTION FREQUENCY**

1. The semi-annual monitoring report shall be evaluated every six months. The annual compliance certification shall be reviewed every twelve months. *Note that not all Title V permits are written with the same reporting periods and due dates.* Make sure the reporting dates are the same as provided in the permit.
2. All Title V facilities will be submitting these reports, which are reviewed as either a PCE or FCE. FCEs will be completed for facilities included in that year’s CMS inspection plan (see ASOP-2 for more on FCEs).

In the federal CMS Policy, which addresses only major sources and a limited subset of synthetic minors, EPA recommends the following minimum frequencies:

- In those years when a Full Compliance Evaluation is not conducted, annual compliance certifications and the underlying reports supporting those certifications should continue to be reviewed (e.g., semi-annual and periodic monitoring reports, continuous emission and continuous parametric monitoring reports, and malfunction and excess emission reports)
- Sources may be inspected more frequently than scheduled if noncompliance or other issues arise that require DEQ’s presence at a facility.

#### IV. SOURCE GUIDANCE

##### A. SEMI-ANNUAL MONITORING REPORT

###### Reporting Frequency

Submittal of reports of any required monitoring are due at least every 6 months or as otherwise specified in the permit. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 9 VAC 5-20-230.

###### Guidance

Attached with this section are four forms approved for use in reporting semi-annual monitoring information. Use of these forms is not mandatory but is a means to facilitate reporting to DEQ all semi-annual monitoring information required by regulation and the Title V permits. The following forms are associated with Semi-Annual Monitoring Reports:

- Semi-Annual Monitoring Report Form  
This form may be completed for the Semi-Annual Monitoring Report. Note the 6 month period covered by the report on the form. If no deviations from permit requirements have occurred during the 6 month reporting period, check the appropriate box. If deviations did occur, check the appropriate box and attach the appropriate forms or attachments including all necessary information about the deviation as required by 9 VAC 5-80-110 F.2 and/or "appropriate Title V Permit Condition."
- Failure to Monitor, Keep Records, or Report Form  
This form is to be used as necessary for the reporting of deviations which may have caused excess emissions for more than one hour that occurred during the 6 month reporting period.
- 'Other Deviations' Report Form  
This form is to be used as an attachment to the Semi- Annual Monitoring Report to address deviations not reported elsewhere.
- Prompt Deviation Report Form  
This form is used for prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a timeframe for reporting deviations, that definition or timeframe shall govern. Where the underlying applicable requirement fails to address the timeframe for reporting deviations, reports of deviations shall be submitted to the permitting authority consistent with the Malfunction Rule [9 VAC 5-20-180(C)].

## **Enforcement**

Each deviation will be evaluated on an individual basis in accordance with the enforcement manual. Non-compliance with the permit may indicate a violation and may result in an enforcement response.

## **B. ANNUAL COMPLIANCE CERTIFICATION**

### **Instructions**

Use the attached forms to certify compliance with permit terms and conditions on an annual, or more frequent basis, as required by your Title V Operating Permit. Your responsible official must certify the truth, accuracy, and completeness of all information that is submitted with the annual compliance certification. The permit will provide you with a mailing address where you should mail this form after it is ready for submittal. Please note that the U.S. Environmental Protection Agency's (EPA) Office of Air Quality Planning and Standards has provided these instructions (dated June 2001) and the Virginia Department of Environmental Quality (DEQ) has adopted them, with some editing, to assist in completing the attached DEQ forms (Title V Annual Compliance Certification Transmittal Letter and Annual Compliance Certification form). Both the instructions and the forms for the annual compliance certification may be found at the DEQ's website at the following address:

<http://www.deq.state.va.us/air/compliance/homepage.html>.

Please also note that your Title V Permit requires you to provide a copy of your completed form directly to the EPA.

### **Records Retention**

You must retain records, materials, or other support material used in the preparation of this compliance certification for a period of at least 5 years from the date you submit this form to the DEQ.

### **Availability of Information to the Public and Confidential Treatment of Information.**

Information submitted in this form will, upon request, be made available to the public for inspection and copying. Claims of confidentiality must meet the provisions of 9 VAC 5-170-60 and 40 CFR Part 2, Subpart B. Note that such regulations generally do not allow emissions information or information used for compliance purposes to be granted confidential treatment.

### **Detailed Instructions**

Complete the Title V Annual Compliance Certification Transmittal Letter (ACC Letter) once for each report to identify the permitted source, the reporting period covered by the report, and for the responsible official to certify that the information submitted on the Annual Compliance Certification (ACC) form (and attachments) is true, accurate, and complete. On the ACC form, identify the compliance status and the methods (or other means) used to determine compliance with each permit term and condition. You may copy the ACC form page as many times as necessary to cover all permit terms and conditions that are the basis of the certification.

If any exceedance(s), deviation(s), or excursion(s) from the Title V Permit occurred over the certification period, the certification should identify the emissions unit, applicable requirement(s), monitoring requirement(s), and actions taken to rectify each deviation, excursion or exceedance. The certification may cross-reference previous deviation reports (e.g., semi-annual monitoring reports), compliance reports, or other applicable documentation in order to satisfy this requirement.

### ACC Letter

An ACC Letter should be transmitted with each annual compliance certification submitted. Include the permitted facility's official or legal name and the assigned registration number. You must include the beginning and ending dates for the reporting period covered by the certification. Unless specified otherwise, the dates will be assumed to be inclusive of all full calendar days.

The Title V Permit generally specifies that the time period to be included in each certification is each calendar year (i.e., January 1 through December 31) and that the annual compliance certification be submitted one year from the date of the permit or March 1 of each year following the time period to be reported as required in the permit. The time period covered by the first annual compliance certification should cover the period commencing with the effective date of the initial Title V Permit through the 31<sup>st</sup> day of the following December, unless specified otherwise in your Title V Permit or by the appropriate DEQ regional office.

In accordance with 9 VAC 5-20-230, the ACC Letter contains the certification that must be signed by a responsible official. A responsible official is defined in 9 VAC 5-20-230 A. Provide the name and title for the responsible official.

### ACC Form

Identify each individual permit term and condition. Do so by including a brief description and a cross-reference or citation to each individual permit term and condition, using the numbering system established in the permit. The cross-reference or citation should usually be detailed enough to clearly identify the specific permit term and condition (e.g., section IV.H.(a)(4) of the permit). If the permit term and condition is expressed as a numerical limitation or range of values, the description should identify the specific numerical limit or range. The term "individual permit term and condition" used here refers to each unique permit requirement. Permit requirements include emissions limitations, control equipment requirements, work practice standards, monitoring, recordkeeping, and reporting, and any other obligation of the source contained in the permit.

Note that you do not have to list a permit term and condition multiple times solely because it applies to multiple emission units, provided that: (1) the permit term and condition applies the same way at all units, (2) it uses the same methods for determining compliance at the units, (3) all units have the same compliance status, and (4) the cross reference to the permit covers those terms and units appropriately. For example, if a permit term and condition applies the same way and the same compliance methods are used to determine compliance, but one unit was in intermittent compliance and the other in continuous compliance, you would need to list the permit term and condition separately for each unit to accurately identify the compliance status of the units.

Note that you must state "Not Applicable" and include an explanation for permit terms and conditions that were not effective or otherwise did not apply during the reporting period of the compliance certification (e.g., those with future-effective compliance dates, alternative methods of compliance, and alternative scenarios).

Note that compliance methods, such as monitoring, recordkeeping, and reporting in permits constitute both "permit terms and conditions" and "methods used to determine compliance." Keep in mind that a compliance certification for a permit term and condition that requires certain compliance methods to be performed will be a certification that the compliance methods were performed in the manner and frequency required by the permit. This certification is in addition to a certification as to the compliance status of the permit terms and conditions for which the compliance methods serve as a method for determining compliance.

Indicate compliance status for each individual permit term and condition in the column provided by marking either "Intermittent" or "Continuous." For annual compliance certification purposes, you must indicate compliance status for each term and condition on the basis of its compliance status throughout the reporting period.

***Continuous compliance*** means collection of all monitoring data required by the permit under the data collection frequency required by the permit, with no deviations and no other information that indicates deviations. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parameter monitors) and noninstrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring.

***Intermittent compliance*** means any form of compliance other than continuous compliance.

The Commonwealth of Virginia's Title V Regulations (9 VAC 5-80-50, et seq.) do not contain definitions for these terms, but for the purposes of this guidance document, the definitions shown here will help you to provide a meaningful representation of your compliance status. Note that under these definitions, it makes no difference whether you use continuous or intermittent data to make your compliance status determination. In addition, when making a determination of compliance status, your Title V Permit requires you to consider all other material information you have in order to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information.

The term "other material information" refers to information or knowledge you have, whether or not that information or knowledge is required by the permit to be collected. As used here, this term is similar to the term "other credible evidence," which refers to non-reference test methods and other information "readily available" to you that the permit may or may not require you to collect.

The term "readily available information" refers to information that is readily available and already being utilized, such as engineering calculations, indirect emissions estimates, and direct

measurement by various means, whether this information is required to be collected by a regulation or permit, or for some other purpose (this information may also constitute "credible evidence" or "material information"). Therefore, it is possible for you to certify to continuous compliance, provided you collect the monitoring data consistent with the permit, the data show no deviations or there are deviations but they are all excused by the permit, and you know of no other material information (or "credible evidence") that would lead you to a different compliance status conclusion. For the data to be collected consistent with the permit, you would have to collect them consistent with any permit terms concerning the collection of the data. Such permit terms might, for example, impose a limit on the amount of missing or invalid data. If the amount of missing or invalid data were to increase above the limit imposed in the permit, the data would not have been collected consistent with the permit, and you would only be able to certify to intermittent compliance.

"Means of Determining Compliance Status" may include monitoring (instrumental and non-instrumental), recordkeeping, and reporting requirements, test methods, or other methods or means required by the permit, or that constitute material information.

To describe means of determining compliance status, indicate the type of monitoring device, the parameter or air pollutant being monitored, the averaging time, the monitoring frequency or the period over which the monitoring occurred, and include cross-reference or citation to the permit terms that require the monitoring (using the numbering system established in the permit). The cross-reference or citation to permit terms must be detailed enough to clearly identify the specific monitoring method. Also, describe the origin and authority of monitoring not required by the permit, such as voluntary methods or methods based on State-only enforceable requirements (material information or credible evidence). *An example of an adequate description for monitoring methods required by the permit might be: "Hourly averages of SO<sub>2</sub> concentration using Method 19 CEMS, data collected over the last 12 months, as required by permit section IV.F.(b)(2)."*

For recordkeeping methods used to determine compliance (whether they constitute non-instrumental monitoring or they are merely the records of monitoring methods), describe the records kept, the frequency of record collection, the frequency or dates when recordkeeping occurred, and include cross-reference or citation to the permit terms that require the recordkeeping, or a description of the origin or authority of recordkeeping not required by the permit. *An example of an adequate description for recordkeeping methods required by the permit might be: "Records of visual determination of opacity; recorded at noon each day over the last 12 months, required by permit section IV.G.(a)(1)."*

For reporting methods used to determine compliance, describe what was reported, the frequency or dates when reporting occurred, and include a cross-reference or citation to the permit terms that require the reporting, or a description of the origin or authority of reporting not required by the permit. *An example of an adequate description for reporting methods used to determine compliance that are required by the permit might be: "Reports of daily records of visual determination of opacity, submitted on 1/31 and 7/31 of each year as part of the 6-month monitoring report, required by permit section IV.G.(a)(2)."*

The ACC form requires you to indicate whether the means of determining compliance with each permit term and condition provides continuous or intermittent data. There are no definitions for these terms in The Commonwealth of Virginia's Title V Regulations (9 VAC 5-80-50, et seq.), but for the purposes of this guidance document, the definitions included below will be used to make this determination.

***Continuous data*** means the results of monitoring, including the results of instrumental or non-instrumental monitoring, emission calculations, manual sampling procedures, recordkeeping procedures, or any other form of information collection procedure that is designed to serve as monitoring on a continuous basis, provided: (1) the number of data records generated is equivalent to the number of averaging periods for the permit term and condition over the reporting period of the compliance certification, (2) the data have the same averaging period as the permit term and condition, and (3) the data are in the same units as the permit term and condition, or correlated directly with that permit term and condition.

***Intermittent data*** means data which are not continuous data.

Provided there are no deviations over a reporting period, the use of intermittent data does not necessarily preclude a determination of continuous compliance, but of course, the use of continuous data would provide more confidence that there were no undetected deviations. Note the definition of continuous data included above is interpreted by DEQ to not allow for any missing or invalid data during the reporting period covered by the compliance certification. Many different monitoring methods might produce continuous data; obvious examples include continuous emission or opacity monitoring systems (CEMS or COMS), and continuous process, capture system, control device or other parameter monitoring systems or procedures. It is also possible for other types of monitoring to produce continuous data; examples may include emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations), records of fuel or raw materials usage, records documenting compliance with work practice standards, records of the results of a program or protocol used to conduct specific operation and maintenance procedures, portable or in-situ measurement devices used to verify emissions, process parameters, capture system parameters, or control device parameters, visible emission observations (including records of such observations), and any other routine form of measuring, recording, or verifying emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with permit terms and conditions.

**V. REFERENCES**

- A. 40 CFR Part 70
- B. 9 VAC 5 CHAPTER 80 (ARTICLE 1)
- C. Title V permit
- D. [www.epa.gov/oar/caa/caa502.txt](http://www.epa.gov/oar/caa/caa502.txt)
- E. [www.epa.gov/airprogram/oar/oaqps/permits/index.html](http://www.epa.gov/airprogram/oar/oaqps/permits/index.html)
- F. [www.eop.gov/oar/oaqps/permits/p71forms.html](http://www.eop.gov/oar/oaqps/permits/p71forms.html)

**VI. APPENDICES**

**Appendix A**

Inspector Checklist

**Appendix B**

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Annual Compliance Certification Form

**Appendix A**

**INSPECTOR CHECKLIST**



DEQ

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

Date: \_\_\_\_\_

«Title» «First\_Name» «initial» «LastName»

«JobTitle»

«Company»

«mail\_address»

«Mail\_city», VA «PostalCode»

Reply to: AIR/COMP: «Registration\_no» - «File\_No»

**Subject:** \_\_\_\_\_ **Annual Compliance Certification for the 12-month period ending** \_\_\_\_\_  
\_\_\_\_\_ **Semi-annual Monitoring Report for the period ending** \_\_\_\_\_

Dear «Title» «LastName»:

The following provides a list of report requirements and our evaluation of the submittal(s)

✓ = OK;   ✗ = Problem;   NA = not applicable

**Annual Compliance Certification:**

- \_\_\_ Deadline: postmarked no later than 60 days following the end of the reporting period?
- \_\_\_ Period: covers the appropriate period, 12 months.
- \_\_\_ Signed official certification, which states in part that the report is true, accurate and complete.
- \_\_\_ Complete: includes appropriate permit conditions; means of determining compliance status; data continuous or intermittent; & compliance status.

**Semi-annual Monitoring Report:**

- \_\_\_ Deadline: postmarked no later than 60 days following the end of the reporting period?
- \_\_\_ Period: covers the appropriate period, one of the two 6-month periods that constitute an Annual Compliance Certification period.
- \_\_\_ Signed official certification, which states in part that the report is true, accurate and complete.
- \_\_\_ Statement of no deviations if appropriate.
- \_\_\_ Deviations: It appears that all deviations occurring during this period were documented in the report; in addition, letters were submitted within 14 days for deviations that may have caused excess emissions for more than one hour.
- \_\_\_ Deviations due to malfunctions: Letters were submitted within fourteen days for each documented malfunction listed in the report that may have caused excess emissions for more than one hour.

Summary:

\_\_\_ Deviations do not indicate non-compliance.

\_\_\_ Deviations indicate potential non-compliance. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_ Please take immediate steps to prevent recurrences of the problems identified above.

\_\_\_ Please submit a corrective action plan to prevent recurrences of the problems identified above no later than

\_\_\_\_\_ .

\_\_\_ The following non-compliant deviations resulted in formal enforcement action: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_ See the enclosed Notice of Violation.

Report Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Sincerely,

Air Compliance Manager

**Appendix B**

**ANNUAL COMPLIANCE CERTIFICATION  
AND  
SEMIANNUAL DEVIATION/MONITORING REPORTS  
Cover Letter**

**[LETTER HEAD]**

Date  
Name  
Title  
Company  
Address

Dear [name]:

Enclosed are copies of six documents and associated guidance that the Department of Environmental Quality (DEQ) has developed to assist facilities in their submittal of the annual compliance certification and semiannual deviation/monitoring reports required by the Title V permits. The content of the annual compliance certification report and the semiannual monitoring report is specified in a general way in the Title V permit. Although not mandatory, the enclosed documents provide the acceptable reporting elements and an acceptable reporting format for the required reports. Such documents included are:

- Title V Annual Compliance Certification Transmittal Letter
- Annual Compliance Certification Form
- Semiannual Monitoring Report Form Letter
- Prompt Deviation Report Form
- Failure to Monitor, Keep Records, or Report Form
- Other Deviations Report Form

Copies of these documents may also be obtained from the DEQ's website at the following address: <http://www.deq.state.va.us/air/compliance/homepage.html>. If you have any questions regarding the enclosed documents or other aspects of Title V permit reporting please call [Title V permit report contact] at [phone number].

Sincerely,

Name  
Title

Enclosures

**Appendix C**

**TITLE V ANNUAL COMPLIANCE CERTIFICATION**

**To:** REGIONAL DIRECTOR  
**From:** (*Facility Name*) \_\_\_\_\_ / **Registration No.** \_\_\_\_\_  
**Re:** TITLE V ANNUAL COMPLIANCE CERTIFICATION  
**Date:**

Please find attached our Title V Annual Compliance Certification for the period from \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_. It identifies each term or condition of the permit that is the basis of the certification. All deviations and periods of non-compliance for the period have been addressed in semi-annual monitoring reports that have either been previously submitted or are enclosed.

**Certification:** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

---

(Signature) \_\_\_\_\_ (Name & Title)

cc: EPA Region III, Mail drop 3AP00cc: Clean Air Act Title V Compliance Certification (3APOO)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

(Annual Compliance Certifications are due 60 days following end of reporting period.)

**Appendix D**

**SEMI-ANNUAL MONITORING REPORT**

To: REGIONAL DIRECTOR

From: (Facility Name) \_\_\_\_\_ / Reg. No. \_\_\_\_\_

Re: SEMI-ANNUAL MONITORING REPORT – Pursuant to Title V Permit

Date:

The following monitoring report is submitted as required by our Title V permit. For the purposes of this report, deviation means: (1) exceedances of emission limits, as determined by such means as stack testing, continuous emission monitors, parametric monitoring and EPA Method 9 visible emission evaluations; (2) excursions from control device operating parameter requirements such as afterburner temperature, scrubber flow rate, baghouse pressure drop; (3) excursions from operational restrictions things such as throughput, fuel quality, and coating VOC and HAP content; and (4) failure to meet monitoring, recordkeeping or reporting requirements. The report addresses all data points, which are above a standard, limit etc, according to the averaging period, if any, specified in the permit. If no averaging period is specified in the permit, then any monitored reading which is outside a specified standard, limit or range is considered a deviation to be reported. Deviations are reported regardless of whether they may have caused excess emissions or whether they were the result of a malfunction.

The period covered by the report is from \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_.

During the reporting period:

- No deviations from permit requirements occurred during this semi-annual reporting period. (We conducted all required monitoring and associated recordkeeping and reporting. Monitoring revealed no deviations from permit requirements.)
- We failed to conduct required monitoring/recordkeeping/reporting as explained on the attached form.
- We identified deviations as a result of required monitoring:
- Deviations were addressed in CEM Excess Emission Report(s) dated: \_\_\_\_\_
- Deviations were addressed in Fuel Report(s) dated: \_\_\_\_\_
- Deviations were addressed in MACT Report(s) dated: \_\_\_\_\_
- Deviations due to malfunctions were addressed in letters dated: \_\_\_\_\_

Deviations were addressed in other report(s) dated: \_\_\_\_\_

Type of report: \_\_\_\_\_

- Deviations were previously described in Prompt Deviation Reports dated: \_\_\_\_\_  
\_\_\_\_\_

"Other" deviations, which were not previously reported, are described in the attachment.

**Certification:** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name & Title)

**Appendix E**

**PROMPT DEVIATION REPORT**

**To: REGIONAL DIRECTOR**

**From: (Facility Name)\_\_\_\_\_ / Reg. No. \_\_\_\_\_**

**Re: PROMPT DEVIATION REPORT – Pursuant to Title V Permit**

**Date:**

This confirms the deviation reported to the Regional Office at \_\_\_\_\_ o'clock on \_\_\_/\_\_\_/\_\_\_\_\_. The details are described below. The deviation may have caused excess emissions for more than one hour, consistent with specified averaging times. None of these deviations were related to a malfunction.

Start date & time:	End date & time:	Estimated Duration:
<b>Deviation from permit condition (condition number and brief description):</b>		
<b>Description of incident (including emission unit affected):</b>		
<b>Description of Monitoring Requirement for affected unit(s):</b>		
<b>Probable cause:</b>		
<b>Description of corrective measures taken (demonstrating a timely &amp; appropriate response):</b>		
<b>Description of preventive measures taken:</b>		

**Certification:** I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name & Title)

**Appendix F**

**FAILURE TO MONITOR, KEEP RECORDS OR REPORT  
FORM**

**FAILURE TO MONITOR, KEEP RECORDS OR REPORT**

Registration No. \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Submitted as Part of Semi-Annual Monitoring Report

Permit Condition No. & DESCRIPTION OF REQUIREMENT	DESCRIPTION OF DEVIATION (including date)	REASON FOR DEVIATION & CORRECTIVE ACTION TAKEN

**Appendix G**

**"OTHER" DEVIATIONS  
REPORT**

**"OTHER" DEVIATIONS**

**Submitted as Part of Semi-Annual Monitoring Report**

<b>Condition No. &amp; Description of Requirement</b>	<b>Description of Deviation (time, emission unit, description of event, cause)</b>	<b>Description of Associated Monitoring Requirement</b>	<b>Description of corrective measures Taken (demonstrating a timely &amp; appropriate response)</b>

*(Report deviations which may have caused excess emissions for more than one hour on a prompt deviation report form, not here)*

**Appendix H**

**ANNUAL COMPLIANCE CERTIFICATION  
FORM**

Cond. No.	TERMS & CONDITIONS CONTAINED IN THE PERMIT <i>(list in order)</i>	MEANS OF DETERMINING COMPLIANCE STATUS	TYPE OF DATA THE MEANS PROVIDES	COMPLIANCE*
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent
			<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent

cc: Clean Air Act Title V Compliance Certification (3APOO)  
 U.S. Environmental Protection Agency, Region III  
 1650 Arch Street  
 Philadelphia, PA 19103-2029

\* See Form Instructions for definitions of these terms as well as guidance in selecting appropriate box.