



**7 DE Admin. Code 1130 (Title V State Operating Permit)  
Instructions for Completing the**

**ANNUAL COMPLIANCE CERTIFICATION  
&  
FORM AQM-1001BB**

**For Sources required to Obtain and Operate Under A  
7 DE Admin. Code 1130 (TITLE V) STATE OPERATING PERMIT**

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Division of Air Quality  
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**Note: The instructions contained in this document do not replace that required by the 7 DE Admin. Code 1130 (Title V) State Operating Permit Program or the ensuing 7 DE Admin. Code 1130 (Title V) State Operating Permit issued to facilities.**

## **INTRODUCTION**

Title V of the Clean Air Act Amendments (Act) of 1990 required the implementation of an operating permit program for major stationary sources of regulated air contaminants including major sources of hazardous air pollutants listed in Section 112 of the Act, sources covered by New Source Performance Standards, sources covered by emissions standards for hazardous air pollutants pursuant to Section 112 of the Act, and affected sources under the Acid Rain program.<sup>1</sup> The Environmental Protection Agency (EPA) promulgated the requirements of Title V in Chapter I of Title 40 of the Code of Federal Regulations (CFR) Part 70, State Operating Permit Program, and Title 40 CFR Part 71, Federal Operating Permit Program.

The State of Delaware was required to develop and submit to the EPA for approval an operating permit program meeting the program requirements as contained in 40 CFR Part 70. The requirements of 40 CFR Part 70 are contained in the **7 DE Admin. Code 1130 (Title V) State Operating Permit Program**.<sup>2</sup> As part of the facility's obligation under this program, you are required to submit a compliance certification.

### **What is a Compliance Certification?**

A Compliance Certification is an assessment of your facility's compliance with the terms and conditions of the **7 DE Admin. Code 1130 (Title V) State Operating Permit** signed by your Responsible Official.<sup>3</sup>

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<sup>1</sup> See **7 DE Admin. Code 1130, (Title V) State Operating Permit Program, Section 3, "Applicability"** for a complete listing of sources required to obtain a **7 DE Admin. Code 1130 (Title V) State Operating Permit**.

<sup>2</sup> The State of Delaware received interim approval of Regulation No. 30 from EPA pursuant to the procedures in 40 CFR Part 70 on January 3, 1996 and was granted full approval on November 19, 2001. Failure to implement the Title V State Operating Permit Program can result in EPA imposing the Federal Operating Permit Program through 40 CFR Part 71.

<sup>3</sup> **Responsible Official** is defined in **7 DE Admin. Code 1130 Section 2**. In general a responsible official is as follows:

For a Corporation

- corporate officer
- other person in charge of a principle business function
- duly-authorized representative for overall operations of a source (plant manager) if either:
  - 250 or greater persons employed or \$25 million or greater in sales or expenditures
  - Delegation of authority approved in advance

For a Partnership

- a general partner

For a Sole Proprietorship

- the proprietor

For a Government Facility

- principal executive officer
- ranking elected official

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## When Do I Need to Submit a Compliance Certification?

7 DE Admin. Code 1130 is not meant to impose substantive new requirements for a facility, but it does require that certain procedural measures be followed especially with respect to determining compliance with the terms and conditions of the operating permit. 7 DE Admin. Code 1130 requires the owner or operator of a stationary source required to obtain a 7 DE Admin. Code 1130 (Title V) State Operating Permit to submit a compliance certification:

1. **annually** [referred to herein as the **Annual Compliance Certification**] along with a report of required monitoring and identification of deviations semi-annually [referred to herein as the **Semi-Annual Report**];
2. **initially** with the application requesting a permit to operate;
3. upon **renewal** of the 7 DE Admin. Code 1130 (Title V) State Operating Permit; and
4. upon requesting a **minor or significant permit modification** to your existing 7 DE Admin. Code 1130 (Title V) State Operating Permit.

The instructions contained in this document pertain to the **Annual Compliance Certification only, and the revised form, AQM-1001BB**. Separate instructional documents will be made to available to address the requirements for other types of compliance certifications.

## How Do I Submit?

You are required to use Form AQM-1001BB in order to report Compliance Certification information.

Please note that there are two versions of form AQM-1001BB. Form A is to be used for permits that were issued before May 12, 2008. Form B is to be used for permits that were issued After May 12, 2008. Note: A limited number of permits issued soon after May 12, 2008 were in-process and contain the older language. If you have any questions regarding which form to use, ask your assigned engineer or scientist.

## What If I Have Questions?

You are encouraged to setup a meeting or contact your assigned engineer or scientist. You can contact the Department at the following addresses:

Dover Office  
State of Delaware DNREC Division of Air Quality  
Engineering & Compliance Branch  
100 W. Water Street, Suite 6A  
Dover, Delaware 19904  
(302) 739-9402

New Castle Office  
State of Delaware DNREC Division of Air Quality  
Engineering & Compliance Branch  
715 Grantham Lane  
New Castle, Delaware 19720  
(302) 323-4542

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

Information submitted to the Department will, upon request, be made available to the public for inspection and copying pursuant to the Department's Freedom of Information Act (FOIA) Regulation. If you wish to request confidential treatment for business information, such information should be submitted separately to the Department along with a claim of confidentiality pursuant to the Department's FOIA Regulation. This information is available on-line at: [http://www.dnrec.state.de.us/air/aqm\\_page/foia.htm](http://www.dnrec.state.de.us/air/aqm_page/foia.htm). Please contact the Department if you need to obtain a copy of this regulation or have questions concerning confidentiality procedures.

## **Other Reporting Requirements**

Depending on the **7 DE Admin. Code 1130 (Title V) State Operating Permit** issued for your facility, specific reporting requirements may require additional reporting to be submitted with your compliance certification or at other more frequent intervals as specified by your operating permit. Please review your facility's **7 DE Admin. Code 1130 (Title V) State Operating Permit** to identify other reporting that may be required.

In addition, check Condition No. 5, Compliance Schedule, of your **7 DE Admin. Code 1130 (Title V) State Operating Permit**. This condition may be applicable to your facility if you require a compliance schedule to come into compliance with applicable requirements or you have future effective compliance dates for applicable requirements. This condition, if applicable, requires that you submit progress reports pursuant to Condition 3(c)(2)(v). Such reports are due **August 1** (covering the period January 1 through June 30) and **February 1** (covering the period July 1 through December 31).

The Semi-Annual Report for the reporting period of July 1 through December 31 is due **February 1**, and for the reporting period of January 1 through June 30 is due **August 1**. The Semi-Annual Report and the Compliance Certification serve two separate purposes. The Semi-Annual Report requires reporting at least every six months (unless required more frequently by our permit) of your monitoring and of any deviations that have occurred. The Compliance Certification is an assessment of your compliance status including information supplied in the Semi-Annual Reports and other reports required by your operating permit for the entire calendar year with the terms and conditions of your operating permit.

You have several options to submit the information required by the **Semi-Annual Report**. You may choose to submit the Semi-Annual Report under Form AQM-1001BB, you may utilize Form AQM-1001DD (which is specifically for Semi-Annual reporting only) or you may utilize a format of your choosing for submitting the Semi-Annual Report information **ONLY**. If you choose to use a format of your own you must still submit all the data elements required by Form AQM-1001DD. (Note that your permit requires that you use form AQM-1001BB for the Annual Compliance Certification.) For detailed instructions on how to complete the Semi-Annual Report, please refer to the instructions entitled **7 DE Admin. Code 1130 (Title V) State Operating Permit Instructions for Completing Semi-Annual Reports & Form AQM-1001DD dated July 27, 2001 and Updated May 6, 2004**.

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## ANNUAL COMPLIANCE CERTIFICATION

7 **DE Admin. Code** 1130 Section 6.3.5.3 requires the submission of an Annual Compliance Certification from each facility operating under a 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. In your Annual Compliance Certification, you are required to provide information on the facility's compliance status with the terms and conditions of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit during the previous calendar year. The Annual Compliance Certification is required to contain the following:

- the identification of each term or condition of the permit that is the basis of the certification;
- the facility's current compliance status, as shown by monitoring data and other information reasonably available to the facility;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the source, currently and over the reporting period as required by 7 **DE Admin. Code** 1130 Section 6.1.3 and specified in your 7 **DE Admin. Code** 1130 (Title V) State Operating Permit;

The Department may require additional information from the owner or operator to determine the compliance status of the source.

### Submittal Deadline

The Annual Compliance Certification is required to be submitted to the Department not later than the **first day of February** each year unless your permit required compliance certifications to be submitted more frequently. Such certification shall cover the previous calendar year and shall be submitted on Form AQM-1001BB.

### Explanation of Compliance Certification Terms and Requirements

You are required to provide information on the facility's compliance status with respect to the terms and conditions of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. This includes not only reporting on whether your facility complied with such things as emission limits, emission standards, and work practice standards, but also reporting on your facility's compliance with operational limitations, monitoring, record keeping, reporting, and any additional terms and conditions of the permit including the general conditions under Condition No. 2; Condition No. 3; the terms and conditions resulting from the use of Condition No. 4, Operational Flexibility; and Condition No. 5, Compliance Schedule (if applicable to your facility) of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. You must also report any deviations that occurred during the reporting period and submit this information to the Department per the frequency specified by your operating permit.

Terms and conditions that may be contained in your 7 **DE Admin. Code** 1130 (Title V) State Operating Permit include, but are not limited to, the following terms:

- emission limits
- emission standards
- work practice standards
- operational limits
- monitoring requirements

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- record keeping requirements
- reporting requirements
- testing requirements
- QA/QC requirements
- general conditions

**Note: Remember to include the compliance status with respect to Federally Enforceable Permit Terms and Conditions in addition to State Enforceable Only Permit Terms and Conditions!**

### **State Enforceable Only Requirements Vs. Federally Enforceable Requirements**

The Annual Compliance Certification will require reporting of compliance status on both **Federally Enforceable** permit terms and conditions and **State Enforceable Only** permit terms and conditions. Federally Enforceable permits terms and conditions are enforceable by the Department, by EPA and by citizens under Section 304 of the Clean Air Act (Act). State Enforceable Only permit terms and conditions are only enforceable by the Department and are not enforceable by the EPA and citizens under Section 304 of the Act. Terms and conditions that are State Enforceable Only will be clearly identified as such with the phrase, "State Enforceable Only." Terms and conditions that are not specifically identified as State Enforceable Only are both Federally Enforceable and State Enforceable.

#### **Emission Limits, Emission Standards, Work Practice Standards:**

Represent numerical emission limits and/or work practice standards imposed by an applicable requirement.

#### **Operational Limits:**

Are often surrogates for demonstrating compliance with emission limits. These can include, but are not limited to, restrictions on material usage, material content, process limits, and operating hours.

#### **Monitoring including Testing and QA/QC, Recordkeeping & Reporting Requirements:**

Represent the methods used to determine compliance with the terms and conditions of the permit. 7 DE Admin. Code 1130 defines monitoring as:

- (A) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to Sections 114(a)(3) or 504(b) of the Clean Air Act.
- (B) Where the applicable requirement does not require periodic testing on instrumental or non-instrumental monitoring (which may consist of record keeping designed to serve as monitoring), period monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit, as reported pursuant to 7 DE Admin. Code 1130 Section 6.1.3.3. Such monitoring requires shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of this paragraph.

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- (C) As necessary, requirements concerning the use, maintenance, and where appropriate, installation of monitoring equipment or methods.

**General Conditions:**

It is important to note that the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit (which is based upon the requirements contained in 7 **DE Admin. Code** 1130 and 40 CFR Part 70) requires that the Annual Compliance Certification contain the status with respect to the **terms and conditions** of the permit.<sup>4</sup> This is not limited to just the applicable requirements, which are contained in Condition 3 Table 1 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. The General Conditions that need to be certified are listed in Appendix A of this document. The General Conditions can be found in Condition No. 2, No. 3, No. 4 (Operational Flexibility) and No. 5 (Compliance Status) of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. You will complete information pertaining to the General Conditions under Table 2 of Section 2 of Part B of Form AQM-1001BB.

**SPECIFIC INSTRUCTIONS FOR COMPLETION OF FORM AQM-1001BB**

The following instructions are provided to show you how to complete Form AQM-1001BB for the Annual Compliance Certification. You will need to complete:

- Part A, Facility Information;
- Part B, Compliance Status;
- Part C, Additional Information; and
- Part D, Certification.

Part E, Submittal Information, provides information concerning the submittal due date and the mailing addresses. You may need to make and/or use additional copies of the tables associated with Part B and Part C as needed in order to compile a complete listing of the terms and conditions of the permit required for Compliance Certification.

**Part A: Facility Information**

Sections 1-5

Enter the facility information; facility name, facility street address, city, state, and zip code. This information should be that found on page 1 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. Note the facility's official or legal name is required. Do not use a colloquial or abbreviated name. If the facility name or ownership has changed, please notify the Department of this change pursuant to the procedures in 7 **DE Admin. Code** 1130 Section 7.3. See Part B Section 3 of Form AQM-1001BB.

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<sup>4</sup> The Annual Compliance Certification requires the owner/operator to submit the compliance status with respect to the terms and conditions of the permit. A compliance certification as part of an application, for example the Initial Compliance Certification, also requires the owner/operator to submit the compliance status with respect to the terms and conditions of the permit. Refer to 7 **DE Admin. Code** 1130 Section 6.3.5 7 **DE Admin. Code** 1130 Section 5.4.9 for the regulatory requirements pertaining to the Annual Compliance Certification.



### Section 6

Check only one box. Check box A if you are submitting an initial compliance certification (for sources that are submitting their initial request to obtain a 7 **DE Admin. Code 1130 (Title V) State Operating Permit**); check box B if you are submitting an application for a permit renewal; check Box C if you are submitting an Annual Compliance Certification; or check Box D if you are submitting an application for a minor or significant permit revision.

### Section 7

If you marked Box B, C, or D under Section 6, enter the 7 **DE Admin. Code 1130 (Title V) State Operating Permit Number**. This information can be found on page 1 of the 7 **DE Admin. Code 1130 (Title V) State Operating Permit**. If you are submitting an initial compliance certification (i.e. you marked Box A of Section 6), mark this as "NA" or "not applicable".

### Section 8

Enter the nine (9) digit facility identification number only if you marked Box B, C, or D under Section 6. This information can be found on page 1 of the 7 **DE Admin. Code 1130 (Title V) State Operating Permit**. If you are submitting an initial compliance certification (i.e. you marked Box A of Section 6), mark this as "NA" or not applicable."

### Section 9

Enter the date the 7 **DE Admin. Code 1130 (Title V) State Operating Permit** was issued only if you marked Box B, C, or D under Section 6. This date can be found on page 1 and is identified as the "effective date". If you are submitting an initial compliance certification (i.e. you marked Box A of Section 6), mark this as "NA" or "not applicable".

### Section 10

Enter the reporting period. The beginning date shall be presumed to begin and end at midnight local time.

### Section 11

Enter the date the form was prepared.

### Section 12

Enter the technical contact information: technical contact name, title, phone number, fax number, and e-mail address. The technical contact person should be a person familiar with the day to day operation of the facility. This person should be available for contact by the Department.

## **Part B: Compliance Status**

### Section 1 – Table 1

#### Column A: Emission Unit ID

Identify the emission unit associated with the permit term or condition that is the basis of the certification. If the permit term or condition applies to the facility, identify the emission unit as "facility-wide."

Column B: Identification of Each Permit Term or Condition That is the Basis of the Certification

Identify each individual permit term and condition from Condition 3 Table 1. (Certification with the General Permit Terms and Conditions, which are found under Condition No. 2 and No. 3 and additional source specific requirements under Condition No. 4 and No. 5, will be discussed further under Part B – Section 2.)

In order to identify each individual permit term and condition you can 1) restate the condition or 2) you can provide a brief description and provide a cross reference or citation to each individual permit term and condition, using the numbering system established by your 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. The cross reference or citation should be detailed enough to clearly identify the specific permit term or condition.

You do not have to list a permit term and condition multiple times if it applies to multiple emission units provided you meet the following criteria: 1) the permit term and condition applies the same way for all emissions units, 2) it uses the same methods for determining compliance at those emissions units, 3) all emission units have the same compliance status, and 4) the cross reference to the permit covers those permit terms and conditions and emission units appropriately.

You must also include information in the compliance certification for permit terms and conditions that were not effective or otherwise did not apply during the reporting period of the compliance certification. This would include those permit terms and conditions that pertain to alternative methods of compliance and alternate operating scenarios. Your compliance status would be "Not Applicable" because the permit did not require them to be used and/or you did not use them for any period of time covered by the reporting period for the compliance certification.

Column C: Methods Used to Determine Compliance

In this column, identify the compliance methods you used to determine the compliance status for each permit term or condition. Compliance methods may include monitoring (instrumental and non-instrumental), record keeping, test methods, reporting requirements, and other methods required by the permit.

In order to identify each individual compliance method you can 1) restate the condition or 2) you can provide a brief description and provide a cross reference or citation to each individual permit term and condition, using the numbering system established by you 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. The cross reference or citation should be detailed enough to clearly identify the specific permit term or condition.

Note that compliance methods, such as monitoring, record keeping, and reporting in permits constitute both "**permit terms and conditions**" and "**methods used to determine compliance**". 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 the compliance status a certification is needed as to whether the compliance determination methods were performed as frequently and in the manner specified in the operating permit.

In order to clarify the difference, a permit term and condition relies upon the compliance determination method specified in the permit. In this way, the compliance determination method

is used to evaluate the compliance status of the permit term and condition. In addition, your compliance certification must include information on whether the compliance determination method was performed as frequently and in the manner required by the permit. In this way, the compliance determination method is now a permit term and condition.<sup>5</sup> In order to complete AQM-1001BB, use Table 1 of the form when you are using the compliance determination methods to evaluate the compliance status of the permit terms and conditions. Secondly, use Table 2 under Section 2 of Part B of the form to indicate whether you performed the compliance determination methodology according to the frequency and the manner described in your permit.

#### Column D: Compliance Status During Reporting Period

Indicate whether the compliance with the permit term or condition was **continuous** or **intermittent**.

In accordance with Section 504(c) of the Clean Air Act Amendments of 1990, 40 CFR §70.6 and 7 **DE Admin. Code** 1130, the certification must specify whether the compliance status is **continuous** or **intermittent**. The June 27, 2003 Federal Register provided guidance on this subject stating:

...the determination of the compliance status made by the responsible official, for the purpose of the compliance certification, is simply an evaluation of whether or not the source is, at the time of the certification, and was, during the covered period, in compliance with those permit terms and conditions that establish practically enforceable obligations on the part of the source. Absent evidence to the contrary, the responsible official for a source that is in compliance according to the monitoring results in the permit may certify "continuous" compliance, provided that the responsible official did not fail to monitor, or report, or collect the minimum data required by the permit...

In other words, even if monitoring data is collected on an intermittent basis, compliance can be certified as continuous as long as no deviations were recorded.

You may include information in the compliance certification to document that compliance was achieved during any periods in which a possible exception was noted. For example, an excursion or exceedance that occurred during a period of startup or shutdown for which compliance with an emission limitation or standard is excused would not be a deviation, excursion, or exceedance.

Deviation, excursion and exceedance is explained further in Appendix B of this document.

#### Section 2: General Conditions

It is important to note that the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit (which is based upon the requirements contained in 7 **DE Admin. Code** 1130 and 40 CFR Part 70) requires that the Annual Compliance Certification contain the compliance status with respect to the **terms and conditions** of the permit. This is not limited to just the applicable requirements, which are

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<sup>5</sup> Note that if you did not complete the compliance determination methods as specified in your operating permit, you will need to report that as a deviation(s) during the corresponding reporting period that it occurred and report such information in the Semi-Annual Report and other reporting as required by your operating permit.

contained in Condition 3 Table 1 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. The General Conditions that need to be certified are listed in Appendix A of this document. The General Conditions can be found in Condition No. 2 and No. 3, and additional source specific conditions can be found under Condition No. 4 (Operational Flexibility) and No. 5 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. Complete information pursuant to the General Conditions under Table 2.

Failure to comply with any of the General Conditions may qualify as a deviation and should therefore be reported as such in the Semi-Annual Report.

### Section 3

For sources that are submitting an Annual Compliance Certification; a compliance certification as part of an application to renew a 7 **DE Admin. Code** 1130 (Title V) State Operating Permit; or a compliance certification as part of an application to modify your 7 **DE Admin. Code** 1130 (Title V) State Operating Permit using the minor or significant permit revision procedures of 7 **DE Admin. Code** 1130; has any of the information contained in Items 1 through 5 of Part A and/or Part D, Responsible Official, information changed from that contained in the issued 7 **DE Admin. Code** 1130 (Title V) State Operating Permit? If you marked "yes", submit a request for an Administrative Permit Amendment.

***Note: Please refer to the Administrative Permit Amendment Procedure contained in 7 DE Admin. Code 1130 Section 7.3 to determine applicability and ascertain submittal procedures.***

### Section 4: Semi-Annual Report

Semi-Annual Reports are required to be submitted to the Department and to the Environmental Protection Agency Region III Office (addresses contained in Condition 2.1.3 of the issued operating permit).

The Semi-Annual Report for the period of July 1 through December 31 is due **February 1**, which coincides with the Annual Compliance Certification (for the period of January 1 through December 31 of the previous calendar year) and the report for the period of January 1 through June 30 is due **August 1**. These reports are due each calendar year.

Completion of Section 3 fulfills the obligation of the facility to submit a Semi-Annual Report. You are required to 1) identify and report any and all deviations that occurred during the reporting period and 2) submit a report of any required monitoring.

The Semi-Annual Report and required information will not be discussed in great detail in this document. Please refer to the document titled, 7 **DE Admin. Code** 1130 (Title V) **State Operating Permit Instructions for Completing Semi-Annual Reports & Form AQM-1001DD** updated March 12, 2004 for detailed instructions on how to complete the Semi-Annual Report.

## **Part C: Additional Information**

### Section 1

*Does the Company possess any additional information that demonstrated noncompliance of compliance with any applicable requirement?*

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Indicate "Yes" or "No". If you marked "Yes", complete Table No. 5.

The Annual Compliance Certification is required to include any other information reasonably available to the Company. This does not impose a duty for the owner or operator to assess every possible piece of information that may have some undetermined bearing on compliance. The owner or operator shall identify any other material that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act Amendments of 1990, which prohibits the owner or operator from knowingly making a false certification or omitting material information.

The EPA's Credible Evidence Rule (62 Federal Register 8314) which was finalized on February 24, 1997, requires the reporting of any additional information that demonstrates noncompliance with the terms and conditions of the permit. Monitoring data that does not constitute formal performance or compliance test methods may still be used by the owner or operator to determine the compliance status and to note any possible exceptions to compliance that are indicated by the monitoring.

Conditions 2.2.9, 3.3.3.1.2 and 3.3.3.3 of the 7 DE Admin. Code 1130 (Title V) State Operating Permit requires the following additional information to be submitted with the Annual Compliance Certification:

**Credible Evidence/Use of Other Information Reasonably Available  
7 DE Admin. Code 1130 (Title V) State Operating Permit**

Condition 2.2.9:

*Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate noncompliance with any term or condition of this permit. [Reference 62 FR 8314 dated 2/24/97]*

Condition 3.3.3.1.2:

*The Company's current compliance status, as shown by monitoring data and other information reasonably available to the Company. [Reference 7 DE Admin. Code 1130 Section 6.3.5.3.2 dated 12/11/00]*

Condition 3.3.3.3:

*Any additional information possessed by the Company that demonstrates noncompliance with any applicable requirement must also be used as the basis for compliance certifications. [Reference 62 FR 8314 dated 2/24/97]*

Section 2

*Is the Company submitting any attachments with the Annual Compliance Certification?*

Indicate "Yes" or "No". If you marked "Yes", complete Table No. 6. Identify all attachments on the line provided. Make additional copies of the table if additional space is needed. Note, the use of this table is not limited to Credible Evidence requirements. Use this table to identify any

additional information being submitted with respect to the report of any required monitoring and identification of deviations for the reporting period.

***Note: reports of actual monitoring data required by the semi-Annual Report do not need to be submitted to the Department unless your facility is specifically requested to submit this information either by your operating permit or by the Department. The facility is still obligated to comply with the requirement of Condition 3.2 of the 7 DE Admin. Code 1130 (Title V) State Operating Permit and maintain records at the facility for a minimum period of five (5) years.***

#### **Part D: Certification By Responsible Official**

This part requires the signature and the date of the signature of the Responsible Official for your facility attesting to the truth, accuracy, and completeness of the compliance certification. In addition to the signature and date, the Responsible Official's title (printed or typed) and phone number are required. The certification requires the following language:

I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

The responsible official for the facility can be found on page 1 of your 7 **DE Admin. Code 1130** (Title V) State Operating Permit.

#### **Part E: Submittal Information**

In order to ensure that the Department receives the correct number of copies and the compliance certification is mailed to the appropriate locations, please refer to the following:

##### Section 1

The Annual Compliance Certification is due February 1 of each calendar year.

##### Section 2

The Annual Compliance Certification shall be submitted to the following addresses:

Send One (1) Original and Two (2) Copies To:  State of Delaware – DNREC Division of Air Quality 100 W. Water Street, Suite 6A Dover, Delaware 19904 Attn: Director	Send One (1) Copy To:  United States Environmental Protection Agency Associate Director of Enforcement (3AP20) 1650 Arch Street Philadelphia, Pennsylvania 19103
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The Department cannot accept electronic submittal of the Annual Compliance Certification, Semi-Annual Report or any other reports requiring a signature by the Responsible Official. These reports must be accompanied by an original signature certifying truth, accuracy, and completeness of each report.

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**Note: The instructions contained in this document do not replace that required by the 7 DE Admin. Code 1130 (Title V) State Operating Permit Program or the ensuing 7 DE Admin. Code 1130 (Title V) State Operating Permit issued to facilities.**

Submittal Deadline

The Annual Compliance Certification must be submitted to the Department not later than the first day of February of each year unless your permit requires compliance certifications to be submitted more frequently. Such certification shall cover the previous calendar year and shall be submitted on Form AQM-1001BB.

**Appendix A – Listing of General Conditions Requiring Certification  
 Condition Nos. 2, 3, and 4**

**Conditions for Form A**

Condition No.	Permit Term or Condition		
2.1.2	Any report of deviations required under Conditions 3.3.2.2 or 3.3.2.3 that must be submitted to the Department within ten (10) calendar days of the deviation, may be submitted in the first instance without a certification provided a certification meeting the requirements of Condition 2.1.1 is submitted to the Department within ten (10) calendar days thereafter, together with any corrected or supplemental information required concerning the deviation.		
2.1.3	<p>Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses:</p> <table border="1" data-bbox="440 787 1395 972"> <tr> <td data-bbox="440 787 878 972">           State of Delaware – DNREC            Division of Air Quality            100 W. Water Street, Suite 6A            Dover, DE 19901            Attention: Director            No. of Originals: <u>1</u> No. of Copies: <u>2</u> </td> <td data-bbox="878 787 1395 972">           United States Environmental Protection Agency            Associate Director of Enforcement (3AP20)            1650 Arch Street            Philadelphia, PA 19103            No. of Copies: <u>1</u> </td> </tr> </table>	State of Delaware – DNREC Division of Air Quality 100 W. Water Street, Suite 6A Dover, DE 19901 Attention: Director No. of Originals: <u>1</u> No. of Copies: <u>2</u>	United States Environmental Protection Agency Associate Director of Enforcement (3AP20) 1650 Arch Street Philadelphia, PA 19103 No. of Copies: <u>1</u>
State of Delaware – DNREC Division of Air Quality 100 W. Water Street, Suite 6A Dover, DE 19901 Attention: Director No. of Originals: <u>1</u> No. of Copies: <u>2</u>	United States Environmental Protection Agency Associate Director of Enforcement (3AP20) 1650 Arch Street Philadelphia, PA 19103 No. of Copies: <u>1</u>		
2.8	<b>Fees.</b> The Company shall pay fees to the Department consistent with the fee schedule established by the Delaware General Assembly.		
2.16	<p>Risk Management Plan Submissions</p> <ol style="list-style-type: none"> <li>In the event this stationary source, as defined in the State of Delaware "<b>Accidental Release Prevention (ARP) Regulation</b>" Section 4, is subject to or becomes subject to Section 5 of the "<b>ARP Regulation</b>", dated January 11, 1999, the owner or operator shall submit a risk management plan (RMP) to the Environmental Protection Agency's RMP Reporting Center by the date specified in Section 5.10 and required revisions as specified in Section 5.190. A certification statement shall also be submitted as mandated by Section 5.185.</li> <li>If this stationary source, as defined in the State of Delaware "ARP Regulation" Section 4, is not subject to Section 5 but is subject or becomes subject to Section 6 of the "ARP Regulation" dated January 11, 1999, the owner or operator shall submit a Delaware RMP to the State of Delaware Accidental Release Prevention Group by the date specified in Section 6.10 and required revisions as specified by Section 6.60(j).</li> </ol>		
2.17	Protection of Stratospheric Ozone, 40 CFR Part 82		
3.2	<b>Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping).</b> The Company shall maintain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all original strip-chart recordings, where appropriate, for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.		

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Condition No.	Permit Term or Condition
3.2.1.1	<u>Specific Requirements.</u> The Company shall comply with the operational limitation(s), monitoring, testing, and record keeping requirement(s) detailed in Condition 3-Table 1 which are in addition to those in Conditions 3.2.1.2 and 3.2.2.
3.2.1.2	<u>General Testing Requirements.</u> Upon written request by the Department, the Company shall, at the Company's expense, sample the emissions of, or fuel used by, an air contaminant emission source, maintain records and submit reports to the Department on the results of such sampling.
3.2.2.1	<u>General Record Keeping Requirements</u> If required, for each operating scenario identified in Condition 3 – Table 1 and Condition 2.4.2 of this permit, a log that indicates the operating scenario under which each particular emission unit is operating. The Company shall, contemporaneously with changing from one operating scenario to another, record in this log the scenario under which it is operating.
3.2.2.2	<u>General Record Keeping Requirements</u> The following information to the extent specified in Condition 3 – Table 1 of this permit: A. The date, place, and time of the sampling or measurements. B. The date(s) the analyses were performed. C. The Company or entity that performed the analyses. D. The analytical techniques or methods used. E. The results of such analyses. F. The operating conditions as existing at the time of sampling or measurement.
3.2.2.4	A copy of the written notice required by Condition 3.3.2.3 for each change made under Condition 4.3 [Operational Flexibility] of this permit shall be maintained with a copy of this permit.
3.3.1	<u>Specific Reporting Requirements.</u> The Company shall comply with the Reporting/Certification Requirement(s) detailed in Condition 3 – Table 1 of this permit, which are in addition to those of Conditions 3.3.2 and 3.3.3. Each report that contains any deviation(s) from the terms of Conditions 3 – Table 1 shall identify the probable cause of the deviation(s) and any corrective action(s) or preventative measure(s) taken.
3.3.2.1	<u>General Reporting Requirements</u> The Company shall submit to the Department a report of any required monitoring not later than the first day of August (covering the period from January 1 through June 30) and the first day of February (covering the period July 1 through December 31) of each calendar year. Each report shall identify any deviation(s) from the monitoring, record keeping and reporting requirements under this permit, and the probable cause of the deviation(s) and any corrective actions or preventive measures taken. If no deviation(s) has occurred, such shall be stated in the report.
3.3.2.2.1	If the Company is claiming the affirmative defense of emergency or malfunction as provided in Condition 2.2.5 of this permit, a notice of any deviation resulting from emergency or malfunction conditions shall be reported to the Department within two (2) working days of the date when the

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Condition No.	Permit Term or Condition
	<p>technology based emission limitations were exceeded. Such notice shall contain a description of the emergency or malfunction, any steps taken to mitigate emissions, and any corrective actions taken.</p>
3.3.2.2.2	<p>Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department:</p> <ol style="list-style-type: none"> <li>1. Immediately upon discovery and after activating the appropriate site emergency plan to the Department's 24-hour complaint line (1-800-662-8802) any deviation that poses an imminent and substantial danger to public health, safety, or the environment.</li> <li>2. Immediately upon discovery by calling the Environmental Emergency Notification and Complaint number, (800) 662-8802, or from outside the State of Delaware (302) 739-5072.</li> <li>3. In a written report pursuant to Condition 3.3.2.1 and/or the specific reporting requirements listed in Condition 3-Table 1.</li> </ol>
3.3.2.2.3	<p>Discharges to the atmosphere in excess of any quantity specified in the State of Delaware "Reporting of a Discharge of a Pollutant or an Air Contaminant" Regulation shall be reported, immediately upon discovery and after activating the appropriate site emergency plan, either in person or to the Department's 24-hour complaint line (1-800-662-8802). Discharges in compliance with this permit and excess emissions previously reported under Condition 3.3.2.2.2 of this permit are exempt from this reporting requirement.</p>
3.3.2.3	<p>Prior to making a change as provided in Condition 4 [Operational Flexibility] of this permit the Company shall give written notice to the Department and the EPA at least seven (7) calendar days before the change is to be made.</p>
3.3.2.3.1	<p>The seven (7) day period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard.</p>
3.3.2.3.2	<p>If less than seven (7) calendar days notice is provided because of a need to respond more quickly to such unanticipated conditions, the Company shall provide notice to the Department and to EPA as soon as possible after learning of the need to make the change, together with the reason(s) why advance notice could not be given.</p>
3.3.2.3.3	<p>The written notice shall include all of the following information:</p> <ol style="list-style-type: none"> <li>1. The identification of the affected emission unit(s) and a description of the change to be made.</li> <li>2. The date on which the change will occur.</li> <li>3. Any changes in emissions.</li> <li>4. Any permit terms and conditions that are affected, including any new applicable requirements.</li> </ol>
3.3.2.4	<p>The Company shall submit to the Department an annual emissions statement in accordance with 7 DE Admin. Code 1117 Section 7 not later than April 30 of each year, or other date as established by the Department, unless an extension by the Department is granted. Such emissions statement shall cover the preceding calendar year.</p>
3.3.2.5	<p>If required, the Company shall submit to the Department a progress report for applicable requirement(s) identified in Condition 5 – Table 1 of this permit.</p>

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Condition No.	Permit Term or Condition
	<p>Such reports shall be submitted not later than the first day of August (covering the period from January 1 through June 30) and the first day of February (covering the period July 1 through December 31) of each calendar year. Each progress report shall include the following:</p> <p>A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved.</p> <p>B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.</p>
4.1	<p>In addition to the operational flexibility specifically provided in the terms and conditions detailed in Condition 3-Table 1 of this permit, the Company is authorized to make any change within the facility which contravenes the terms and conditions of this permit without a permit revision if the change:</p> <ol style="list-style-type: none"> <li>1. Is not a modification or otherwise prohibited under any provision of Title I of the Act of the State Implementation Plan (SIP); and</li> <li>2. Does not involve a change in any compliance schedule date; and</li> <li>3. Does not result in a level of emissions exceeding the emissions allowable under this permit, whether expressed herein as a rate of emissions or in terms of total emissions.</li> </ol>
4.2	<p>Before making a change under the provisions of Condition 4.1 of this permit, the Company shall provide advance written notice to the Department and to the EPA in accordance with Condition 3.3.2.3 of this permit.</p>
4.3	<p>The Company shall keep records of any change made under Condition 4.1 of this permit in accordance with Condition 3.2.2.4 of this permit.</p>

### Conditions for Form B

Condition No.	Permit Term or Condition		
2.1.2	<p>Any report of deviations required under Conditions 3.3.2.2 or 3.3.2.3 that must be submitted to the Department within ten calendar days of discovery of the deviation, may be submitted in the first instance without a certification provided a certification meeting the requirements of Condition 2.1.1 is submitted to the Department within ten calendar days thereafter, together with any corrected or supplemental information required concerning the deviation.</p>		
2.1.3	<p>Each document submitted to the Department/EPA pursuant to this permit shall be sent to the following addresses:</p> <table border="1"> <tr> <td>           State of Delaware – DNREC            Division of Air Quality            100 W. Water Street, Suite 6A            Dover, DE 19904            Attention: Director            No. of Originals: <u>1</u> No. of Copies: <u>1</u> </td> <td>           United States Environmental Protection Agency            Associate Director of Enforcement (3AP20)            1650 Arch Street            Philadelphia, PA 19103            No. of Copies: <u>1</u> </td> </tr> </table>	State of Delaware – DNREC Division of Air Quality 100 W. Water Street, Suite 6A Dover, DE 19904 Attention: Director No. of Originals: <u>1</u> No. of Copies: <u>1</u>	United States Environmental Protection Agency Associate Director of Enforcement (3AP20) 1650 Arch Street Philadelphia, PA 19103 No. of Copies: <u>1</u>
State of Delaware – DNREC Division of Air Quality 100 W. Water Street, Suite 6A Dover, DE 19904 Attention: Director No. of Originals: <u>1</u> No. of Copies: <u>1</u>	United States Environmental Protection Agency Associate Director of Enforcement (3AP20) 1650 Arch Street Philadelphia, PA 19103 No. of Copies: <u>1</u>		
2.8	<p><b>Fees.</b> The Owner/Operator shall pay fees to the Department consistent with the fee schedule established by the Delaware General Assembly.</p>		
2.16	<p>Risk Management Plan Submissions</p>		

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Condition No.	Permit Term or Condition
	1. In the event this stationary source, as defined in the State of Delaware " <b>Accidental Release Prevention (ARP) Regulation</b> " Section 4, is subject to or becomes subject to Section 5 of the " <b>ARP Regulation</b> " (as amended March 11, 2006), the owner or operator shall submit a risk management plan (RMP) to the Environmental Protection Agency's RMP Reporting Center by the date specified in Section 5.10 and required revisions as specified in Section 5.190. A certification statement shall also be submitted as mandated by Section 5.185. 2. If this stationary source, as defined in the State of Delaware " <b>ARP Regulation</b> " Section 4, is not subject to Section 5 but is subject or becomes subject to Section 6 of the " <b>ARP Regulation</b> " (as amended March 11, 2006), the owner or operator shall submit a Delaware RMP to the State of Delaware Accidental Release Prevention Group by the date specified in Section 6.6.10 and required revisions as specified by Section 6.6.1.
2.17	Protection of Stratospheric Ozone, 40 CFR Part 82
3.2	<b><u>Compliance Determination Methodology (Monitoring/Testing, QA/QC Procedures (as applicable) and Record Keeping).</u></b> The Owner/Operator shall maintain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all original strip chart recordings, where appropriate, for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.
3.2.1.1	<u>Specific Requirements.</u> The Owner/Operator shall comply with the operational limitations, monitoring, testing, and record keeping requirements detailed in Condition 3 – Table 1 which are in addition to those in Conditions 3.2.1.2 and 3.2.2.
3.2.1.2	<u>General Testing Requirements.</u> Upon written request of the Department, the Owner/Operator shall, at the Owner/Operator's expense, sample the emissions of, or fuel used by, an air contaminant emission source, maintain records and submit reports to the Department on the results of such sampling.
3.2.2.1	<u>General Record Keeping Requirements</u> If required, for each operating scenario identified in Condition 3 – Table 1 of this permit, a log that indicates the operating scenario under which each particular emission unit is operating. The Owner/Operator shall, contemporaneously with changing from one operating scenario to another, record in this log the time at which the operating scenario under which it is operating has changed.
3.2.2.2	<u>General Record Keeping Requirements</u> The following information to the extent specified in Condition 3 – Table 1 of this permit. A. The date, place, and time of the sampling or measurements. B. The dates analyses were performed. C. The Owner/Operator or entity that performed the analysis.

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Condition No.	Permit Term or Condition
	D. The analytical techniques or methods used. E. The results of such analyses. F. The operating conditions as existing at the time of sampling or measurement.
3.2.2.4	A copy of the written notice request by Condition 3.3.2.3 for each change made for each change made under Condition 4.3 [Operational Flexibility] of this permit shall be maintained with a copy of the permit.
3.3.1	<u>Specific Reporting Requirements.</u> The Owner/Operator shall comply with the Reporting/Certification Requirements detailed in Condition 3 – Table 1 of this permit, which are in addition to those of Conditions 3.3.2 and 3.3.3 of this permit. Each report that contains any deviations from the terms of Condition 3 – Table 1 shall identify the probable cause of the deviations and any corrective actions or preventative measures taken.
3.3.2.1	<u>General Reporting Requirements</u> The Owner/Operator shall submit to the Department a report of any required monitoring not later than the first day of August (covering the period from January 1 through June 30 of the current calendar year) and the first day of February (covering the period from July 1 through December 31 of the previous calendar year) of each calendar year. Each report shall identify any deviations from the monitoring, record keeping, and reporting requirements under this permit; and the probable cause of the deviations; and any corrective actions or preventative measures taken. If no deviations have occurred, such shall be stated in the report.
3.3.2.2.1	In addition to the semi-annual monitoring reports required under Condition 3.3.2.1, the Owner/Operator shall submit to the Department supplemental written reports and/or notices identifying all deviations from permit conditions, probable cause of the deviations, and any corrective actions or preventative measures as follows: If the Owner/Operator is claiming the affirmative defense of emergency or malfunction as provided in Condition 2.2.5 of this permit, a notice of any deviation resulting from emergency or malfunction conditions shall be reported to the Department within two working days of the time when the technology-based emission limitations were exceeded. Such notice shall contain a description of the emergency or malfunction, any steps taken to mitigate emissions, and any corrective actions taken.
3.3.2.2.2	In addition to the semi-annual monitoring reports required under Condition 3.3.2.1, the Owner/Operator shall submit to the Department supplemental written reports and/or notices identifying all deviations from permit conditions, probable cause of the deviations, and any corrective actions or preventative measures as follows: Emission in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery and after activating the appropriate site emergency plan, in the following manner: 1. Emissions that pose an imminent and substantial danger to public health, safety or the environment must be reported by calling the Department's

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Condition No.	Permit Term or Condition
	Environmental Emergency Notification and Complaint Number (800) 662-8802. 2. Emissions in excess of any permit condition or emissions which create a condition of air pollution but do not pose an imminent and substantial danger to public health, safety or the environment must either be called in to the Environmental Emergency Notification and Complaint number (800) 662-8802 or faxed to (302) 739-2466. The ability to fax notifications to the Department may be revoked by the Department upon written notice to the Company and at the Department's sole discretion.
3.3.2.2.3	All emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department in a written report pursuant to Condition 3.3.2.1 and/or the specific reporting requirements listed in Condition 3 – Table 1 of this permit.
3.3.2.2.4	Discharges to the atmosphere in excess of any quantity specified in the 7 Del. C., Section 6028 (" <b>Reporting of a Discharge of a Pollutant or an Air Contaminant</b> " Regulation) shall be reported, immediately upon discovery and after activating the appropriate site emergency plan, either in person to the Department's 24-hour Environmental Emergency Notification and Complaint line (1-800-662-8802). Discharges in compliance with this permit and excess emissions previously reported under Condition 3.3.2.2.2 of this permit are exempt from this reporting requirement.
3.3.2.3	Prior to making a change as provided in Condition 4 [ <u>Operational Flexibility</u> ] of this permit the Owner/Operator shall give written notice to the Department and the EPA at least seven calendar days before the change is to be made.
3.3.2.3.1	The seven day period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard.
3.3.2.3.2	If less than seven calendar days notice is provided because of a need to respond more quickly to such unanticipated conditions, the Owner/Operator shall provide notice to the Department and to EPA as soon as possible after learning of the need to make the change, together with the reasons why advance notice could not be given.
3.3.2.3.3	The written notice shall include all of the following information: 1. The identification of the affected emission units and a description of the change to be made. 2. The date on which the change will occur. 3. Any changes in emissions. 4. Any permit terms and conditions that are affected, including any new applicable requirements.
3.3.2.4	The Owner/Operator shall submit to the Department an annual emissions statement in accordance with 7 DE Admin. Code 1117 Section 7 not later than April 30 of each year, or other date as established by the Department, unless an extension by the Department is granted. Such emissions statement shall cover the preceding calendar year.
3.3.2.5	If required, the Owner/Operator shall submit to the Department a progress report for applicable requirements identified in Condition 5 – Table 1 of

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Condition No.	Permit Term or Condition
	<p>this permit. Such reports shall be submitted not later than the first day of August (covering the period from January 1 through June 30 of the current calendar year) and the first day of February (covering the period July 1 through December 31 of the previous calendar year) of each calendar year. Each progress report shall include the following:</p> <p>A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved.</p> <p>B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative of corrective measures adopted.</p>
4.1	<p>In addition to the operational flexibility specifically provided in the terms and conditions detailed in Condition 3 – Table 1 of this permit, the Owner and/or Operator is authorized to make any changes within the facility which contravenes the terms and conditions of this permit without a permit revision if the change:</p> <ol style="list-style-type: none"> <li>1. Is not a modification or otherwise prohibited under any provision of Title I of the Act or the State Implementation Plan (SIP); and</li> <li>2. Does not involve a change in any compliance schedule date; and</li> <li>3. Does not result in a level of emissions exceeding the emissions allowable under this permit, whether expressed herein as a rate of emissions or in terms of total emissions.</li> </ol>
4.2	<p>Before making a change under the provisions of Condition 4.1 of this permit, the Owner and/or Operator shall provide advance written notice to the Department and to the EPA in accordance with Condition 3.3.2.3 of this permit.</p>
4.3	<p>The Owner and/or Operator shall keep records of any change made under Condition 4 of this permit in accordance with Condition 3.2.2.4 of this permit.</p>

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## Appendix B

### DEVIATIONS

The Semi-Annual Report is required to contain a report of any deviations and noting as possible exceptions to compliance any deviations or excursions/exceedances as defined in 40 CFR Part 64 and other applicable requirements. 7 DE Admin. Code 1130 does not define "deviation." The Department is utilizing the following definition of "deviation." The following information concerning deviations has been taken from the document, 7 DE Admin. Code 1130 (Title V) State Operating Permit Instructions for Completing Semi-Annual Reports & Form AQM-1001DD updated March 12, 2004.

A deviation is any failure to meet a term or condition of the operating permit. Deviations can include but are not limited to: deviations from permit terms when any permit term is not met including terms that establish emission limitations, emission standards, control equipment requirements, work practices, and parameter ranges and those designed to assure compliance with such requirements, such as monitoring recordkeeping and reporting. Examples of deviations include:

- A condition where emissions exceed an emission limitation or standard
- A situation where process or emission control device parameter values are outside the range specified in your permit or otherwise indicate that an emission limitation has not been met
- A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit
- A situation where an exceedance or excursion, as defined under 40 CFR Part 64 occurs
- A situation in which required monitoring of emissions or parameters is not performed
- Failure to comply with a permit term that requires submittal of a report

You must also include deviations, excursions, and exceedances from permit terms and conditions that occur during startup, shutdown, malfunction, and upset conditions unless such deviations, excursions, or exceedances occurred during a period of startup or shutdown for which compliance with an emission limitation or standard was specifically excused in the permit.

Note that an emergency is also considered a deviation subject to prompt reporting requirements. Therefore, all emergencies must also be included in this table. An "emergency" is a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology based emission limitations if the conditions of 2.2.5, 3.2.2.3, and 3.3.2.2 are met, including that notice of the emergency was submitted to the Department within two (2) working days of the time when emission limitations were exceeded due to the emergency.

A deviation may not necessarily represent a violation of the operating permit. The Department will determine whether a deviation constitutes a violation. Upon such determination, the Department will issue a Notice of Violation to the facility followed by an appropriate enforcement

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response which can include an administrative, civil, and/or criminal penalty. Failure to report or identify a deviation in the Semi-Annual Report can result in a violation and will result in a separate violation in addition to the deviation itself.