



DELAWARE DEPARTMENT OF
**NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

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

**SEMI-ANNUAL REPORTS
and
FORM AQM-1001DD**

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

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**State of Delaware
Department of Natural Resources and Environmental Control
Division of Air Quality
655 S Bay Road, Suite 5N
Dover, Delaware 19901**

**(302) 739-4791 (Dover Office)
(302) 323-4542 (New Castle Office)**

<https://dnrec.alpha.delaware.gov/air/>

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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, sources that emit or have the potential to emit 100 tons per year (tpy) or more of any air pollutant, sources defined in Part D of Title I of the Act, and affected sources under the Acid Rain Program.¹ 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**.²

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 that has received a Title V State Operating Permit to submit a compliance certification annually and a report of required monitoring and identification of deviations semi-annually [referred to herein as the **Semi-Annual Report**].

The instructions contained in this document pertain to the Semi-Annual Report only. Although use of Form AQM-1001DD is not required under **7 DE Admin. Code 1130** or the **7 DE Admin. Code 1130 (Title V) State Operating Permit**, the Department does recommend that the owners and operators of stationary sources utilize this form. If your facility chooses to utilize a format of your design, be aware that your Responsible Official must ensure that all data elements required for the Semi-Annual Report are submitted.

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

¹ 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**."

² The State of Delaware received interim approval of **7 DE Admin. Code 1130** 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.

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SEMI-ANNUAL REPORT REQUIREMENTS

The Semi-Annual Report requires a Company to submit a report **of any required monitoring and report all deviation(s) from permit requirements** (including emission limitations/standards, monitoring, testing, record keeping, and reporting requirements) that occurred during the previous six (6) month period. For each deviation identified, the Company is required to submit the probable cause(s) of the deviation and any corrective action(s) or preventative measure(s) taken. This report is submitted to the Department and EPA Region III in writing, signed by the Responsible Official.

If no deviations occurred during the reporting period, a statement to that effect shall be contained on the form. A Semi-Annual Report shall still be submitted to the Department and shall include a report of any required monitoring.

OTHER REPORTING REQUIREMENTS

Depending on the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit, specific reporting requirements may require additional information to be submitted with the Semi-Annual Report. Other required Semi-Annual Reports such as Compliance Schedule Progress Reports, if applicable, may be submitted with the Semi-Annual Report. Please review your facility's Title V State Operating Permit to identify any additional reporting that may be required.

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 online at: <https://dnrec.alpha.delaware.gov/foia/>. Please contact the Department if you need to obtain a copy of this regulation or have questions concerning confidentiality procedures.

COMPLETION OF FORM AQM-1001DD

The following instructions are provided as guidance on how to complete Form AQM-1001DD. If you choose not to use Form AQM-1001DD, please refer to these instructions in order to ensure that your Semi-Annual Report contains the data elements required by your 7 **DE Admin. Code** 1130 (Title V) State Operating Permit.

Part A: Facility Information

Sections 1-5

Enter the following facility information: facility name, facility street address, city, state, and zip code. This information can be 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.

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Sections 6-7

Enter the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit Number and the Facility ID Number. This information can be found on page 1 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit.

Section 8

Enter the date the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit was issued. This date can be found on page 1 and is identified as the "effective date".

Section 9

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

Note: The reporting period of January 1 through June 30 is due August 1 of each calendar year. The reporting period of July 1 through December 31 is due February 1 of each calendar year.

Note: Your facility's Title V State Operating Permit may require more frequent reporting periods. Review your facility's permit in order to determine if more frequent reporting is required and follow the schedule provided in your permit.

Section 10

Enter the date the form was prepared.

Section 11

Enter the following 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.

Section 12

Has any of the information contained in Items 1 through 5 of Part A and/or Part E changed from that contained in the issued 7 **DE Admin. Code** 1130 (Title V) State Operating Permit? If you mark "Yes", submit a request for an Administrative Permit Amendment.

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

Part B: Report of Any Required Monitoring – Table No. 1

Monitoring

Monitoring under the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit includes monitoring required by applicable requirements, periodic monitoring, data collection or analysis. The monitoring required by the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit is defined in 7 **DE Admin. Code** 1130 and can be found in Condition No. 3 and/or Condition No. 4, Operational Flexibility, of the Operating Permit. Since monitoring, as defined in 7 **DE Admin.**

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Code 1130, can be satisfied through record keeping, remember to include record keeping where appropriate. The definition of monitoring from **7 DE Admin. Code 1130** includes the methods used to determine compliance with the terms and conditions of the permit. Specifically:

- (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.

You do not need to submit reports of actual monitoring unless your permit requires you to do so. Records of the actual monitoring are required to be maintained on-site for five (5) years and made available to the Department upon request.

Since the Department is not requesting copies of actual monitoring (unless your permit requires you to do so), the submittal has been separated into the **initial report** and **revised reports**. Please note that if your facility has already submitted Semi-Annual Reports to the Department, you are still required to review this section to ensure that you have satisfied the reporting requirement with respect to the **report of any required monitoring** as required in the Semi-Annual Report. Specifically, you need to ensure that your reports have met the data elements specified for the **Initial Report** and the **Revised Report**, which are both discussed further in the next section.

Initial Report

7 DE Admin. Code 1130 requires that the Responsible Official of the permitted facility submit a report of any required monitoring. In order to meet this requirement, the Department is accepting a **listing** of the required monitoring. This list, which can be completed utilizing Table 1 of Part B of Form AQM-1001DD can re-state the monitoring requirement as identified in the **7 DE Admin. Code 1130 (Title V) State Operating Permit** or cross reference the permit term or condition identification provided the reference is clear. In addition, the corresponding emission unit (or emission point) and the emissions limitation, standard or other requirement for which the monitoring is used to assure compliance is required. This initial report shall then be referenced to in all future Semi-Annual Reports. If changes are made to the permit due to permit revisions and/or use of Condition No. 4, Operational Flexibility, the initial monitoring report will also need to be revised. This is discussed under the next section, Revised Reports.

Revised Reports

Changes to the monitoring resulting from permit revisions (Administrative, Minor, and Significant), permit renewals, and/or requests under Condition No. 4, Operational Flexibility, of the **7 DE Admin. Code 1130 (Title V) State Operating Permit**, will require that the initial monitoring be updated to include any and all changes to monitoring. All future Semi-Annual Reports would then reference the initial report and subsequent revised reports. If you do not have any revisions to your monitoring report and do not have any deviations to report, you must still submit a letter (or Form AQM-1001DD) to that effect signed by your Responsible Official.

Part B: Report of Any Required Monitoring – Table No. 1

You may use as many copies of Table 1 from Form AQM-1001DD as needed to address all monitoring requirements. Each individual monitoring requirement should be written in a separate

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row of the table. However, in order to reduce redundancy, you may list multiple emission units if all are subject to the same monitoring requirements. In addition, for monitoring that applies to the permitted facility as a whole or to all emission units at your source, you may enter "facility-wide" in the emissions unit column.

Column A: Emission Unit

Identify the emission unit. This information can be found in Condition No. 1 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit.

Column B: Applicable Requirement

Restate the emission limitation, standard, or other requirement for which the monitoring is used to assure compliance.

Column C: Monitoring

Restate the monitoring corresponding to the permit term or condition identified in Column B. The monitoring requirement can reference the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit term or condition provided the reference is clear.

Column D: Submittal of Reporting Required

Indicate (by checking the appropriate box) whether or not the permit requires the submittal of a separate report (other than this form) for the monitoring described in the table. Separate monitoring reports may be required by your 7 **DE Admin. Code** 1130 (Title V) State Operating Permit. If any separate reports were submitted prior to the submittal of this form, indicate the date you submitted them. If a separate monitoring report is being submitted for the first time with this form, go to Table No. 4, assign an attachment identification in the space provided, mark the attachment accordingly, and attach the separate monitoring report to this form.

Part C: Identification of Deviations – Table No. 2

Deviations

The Semi-Annual Report shall report 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:

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

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- 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(b)(5), 3(b)(2)(iii), and 3(c)(2)(ii) 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 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.

Completion of Part C: Identification of Deviations – Table 2

You may use as many copies of Table 2 from Form AQM-1001DD as are needed to address all deviations that need to be reported. Each individual deviation report should be on a separate Table 2. You may list multiple emission units on one Table 2 deviation report if all are subject to the same deviation. In addition, for a deviation that applies to the permitted facility as a whole or to all emission units at your source, you may enter "facility-wide" in the emissions unit column. If multiple deviations occurred for the same permit term or condition but for different time periods and/or durations, complete the information required in Table 2 for each deviation using separate copies of the form.

Note: If you do not have any deviations to report, you do not need to complete Table 2. If you are unsure of what qualifies as a deviation, contact your assigned permitting engineer or scientist.

Item 1 – Permit Term or Condition for which there is a deviation

Identify the permit term or condition from the 7 **DE Admin. Code 1130** (Title V) State Operating Permit for which there is a deviation. The permit term or condition can be re-stated or the permit term or condition can be referenced.

Item 2 – Emission Unit Identification

List the emission unit where this deviation occurred. You may list multiple emission units here if they all had deviations of this permit term and they all occurred during the same time periods. In addition, for deviations of permit terms that impose requirements to the permitted facility as a whole or to all units at your facility, you may enter "facility-wide" in the emission unit column.

Item 3 – Deviation Description

Describe the deviation. Please refer to the previous discussion of "deviation".

Item 4 – Deviation Duration

Enter the start and end dates of the deviation.

Enter the length of time of the deviation. Include the start and end time periods over which the deviation occurred. Although each 24 hour period of deviation is considered a separate deviation, you may indicate continuous periods of deviation that span multiple days in a single entry. Use the 24 hour clock for reporting these times (e.g., the day starts and ends at midnight).

Item 5 – Cause of Deviation

Enter the probable cause of the deviation.

Item 6 – Corrective Action

Enter the corrective action taken by the facility to minimize or eliminate future deviations.

Item 7 – Deviations That Should Have Been Reported Previously

If a previous deviation report was submitted to the Department, the Deviation Report in Table 2 need only contain a reference to that previous deviation report provided the reference is clear and the previous deviation report met all criteria required under 7 **DE Admin. Code 1130** (the Responsible Official signed the report, the original and one copy was mailed to the Department, and one copy was mailed to EPA Region III, etc.).

Be sure to include those deviations that were required to be reported, but either were not reported or not reported by the required deadline. Note, you will need to report the deviation, and on a separate copy of Table 2, report as a separate deviation the failure to report that deviation. It is a deviation to submit a required deviation report (whether required by telephone, fax, or in writing) after the deadline or to neglect to submit it at all during the reporting period specified in the permit. If a prompt report was made by telephone or fax, consistent with the permit, shortly before the end of a reporting period, but the written deviation report is not required until the next reporting period, there would be no deviation of the submittal deadline for the written report.

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Part D, Section 1: Additional Information – Table 3

This requirement originates from Section 113(c)(2) of the Act, which prohibits an owner or operator from knowingly making a false certification or omitting material information. In addition, the EPA's Credible Evidence Rule (62 FR 8314) which was finalized on February 24, 1997, requires the reporting of any additional information that demonstrates noncompliance with permit conditions.

The Semi-Annual Report is required to include any other information reasonably available to the Company. Monitoring data that does not constitute formal performance or compliance test method data may still be used by the owner or operator to determine compliance status and to note any possible exceptions to compliance that are indicated by the monitoring.

Condition 2.2.9 of the 7 **DE Admin. Code** 1130 (Title V) State Operating Permit requires that any credible evidence be submitted to the Department. Condition 2(b)(9) specifically states:

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]

Part D, Section 2: Additional Information – List of Attachments – Table 4

Is the Company submitting any attachments with the annual certification report? If Yes, identify all attachments on the line provided or on a separate sheet of paper attached to the form. Note, this 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 do not need to be submitted to the Department unless your facility is specifically requested to submit. The facility is still obligated to comply with the requirement of Condition 3(b) and maintain records at the facility for a minimum period of five (5) years.

Part E: Certification By Responsible Official

This part requires the signature and the date of the signature of the responsible official for your company attesting to the truth, accuracy, and completeness of the compliance certification and 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.

The Responsible Official signs and dates the form in Part E. In addition, the Responsible Official's title, printed or typed, and phone number is required.

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Note: Submittal of the Semi-Annual Report does not relieve the Company from submitting any specific reports required by Condition 3 – Table 1 (Column 3) or any other reporting requirements of Condition 3.3.2 of the issued 7 DE Admin. Code 1130 Permit.

Part F: Submittal Information

Section 1: Submittal Deadline

Per 7 DE Admin. Code 1130 and the 7 DE Admin. Code 1130 (Title V) State Operating Permit, submit your Semi-Annual Report signed by the Responsible Official, along with one copy, to the State of Delaware DNREC Air Quality Management Section and one copy to the United States Environmental Protection Agency (EPA Region III). The addresses for these offices are listed in the following table and can also be found in the 7 DE Admin. Code 1130 (Title V) State Operating Permit under Condition 2(a)(3).

Send One (1) Original and One (1) Copy To:	Send One (1) Copy To:
State of Delaware – DNREC Division of Air Quality State Street Commons 100 W. Water Street, Suite 6A Dover, DE 19904 Attn: Director	United States Environmental Protection Agency Region III Enforcement and Compliance Assurance Division Air, RCRA and Toxics Branch (3ED21) Four Penn Center 1600 John F. Kennedy Boulevard Philadelphia, PA 19103-2852

Note: Currently, the Division of Air Quality cannot accept electronic submittals of these forms or any other forms or applications.

Additional Questions?

If you have additional questions concerning the Completion of your Semi-Annual Report, please Contact your assigned Environmental Engineer.

Engineering and Compliance Branch
New Castle Office: (302) 323-4542
Dover Office: (302) 739-9402

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