



# SC DEPARTMENT *of* **ENVIRONMENTAL SERVICES**

## **BUREAU OF AIR QUALITY TITLE V ANNUAL COMPLIANCE CERTIFICATION**

### **Guidance Document For Form DES 3650 (Rev. 06/03)**

Use Form DES 3650 (Rev. 06/03) to certify compliance with permit terms or conditions on an annual basis, as required by SC Regulation 61-62.70, *Title V Operating Permit Program*. Your responsible official must certify the truth, accuracy, and completeness of all information that is submitted on the form and in any attachments.

#### **Record Retention**

You must retain records and other support material used in the preparation of each compliance certification for a period of at least 5 years from the date of submittal and make them available to representatives of the SCDES (Department) and the EPA upon request.

#### **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. If you wish to request confidential treatment for business information, such information should be submitted to the Department separately in accordance with the Bureau of Air Quality Confidentiality Policy. Confidentiality requests should also be made to EPA in accordance with 40 CFR 2, Subpart B. Emissions information or information used for compliance purposes cannot be considered confidential business information.

#### **INSTRUCTIONS**

Complete Sections *A* and *B* once for each Annual Compliance Certification to identify the permitted source and the reporting period covered by the report, and for the responsible official to certify that the information submitted on the form (and attachments) is true, accurate, and complete. Use Section *C* to specify the compliance status and the methods (or other means) used to determine compliance with each permit term or condition. Use Section *D* to report all deviations from permit terms or conditions that occurred during the reporting period. Copy forms for Sections C and D as needed.

### ***Section A (General Information)***

This Section should be used to identify the permitted source. It includes the address of the source and contact information. The Part 70 permit number and reporting period are also identified in this Section. Be sure to check the permit number and reporting period carefully. One of the most common mistakes is listing either the wrong permit number or reporting period.

### ***Section B (Certification of Truth, Accuracy, and Completeness)***

This Section should be used to identify the responsible official. Federal and State laws require that any application form, report, or compliance certification submitted pursuant to the Title V regulations shall contain certification by a responsible official of truth, accuracy, and completeness. The definition of responsible official can be found in SC Regulation 61-62.70.2.

This Section should be signed only after all certification forms are complete and the responsible official has reviewed the information.

### ***Section C (Compliance Status of Each Permit Term or Condition & Methods Used to Determine Compliance)***

The term “individual permit term or condition” used in this Section refers to each unique permit requirement. Permit requirements include emissions limitations, control equipment requirements, work practice standards, monitoring, recordkeeping, reporting, and any other obligation of the source contained in the permit.

You do not have to list a permit term or condition multiple times solely because it applies to multiple emission units, provided that: (1) the permit term or condition applies the same way at all units, (2) it uses the same methods for determining compliance at all 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 or condition applies the same way and the same compliance methods are used to determine compliance for two units, but one unit was in intermittent compliance and the other in continuous compliance, you would need to list the permit term or condition separately for each unit to accurately identify the compliance status of the units.

You must make an entry in Section C even for sources with permit terms or conditions that were not effective or otherwise did not apply during the reporting period (e.g., those with future-effective compliance dates, alternative methods of compliance, or alternative scenarios). In general, you may certify to continuous compliance for such terms, if there is no evidence showing noncompliance, the permit did not require them to be used, and you did not use them for any period of time covered by the reporting period identified in the compliance certification.

Compliance methods in permits such as monitoring, recordkeeping, and reporting constitute both “permit terms or conditions” and “methods used to determine compliance.” Certifying compliance with a permit term or condition that requires certain compliance methods to be performed shall be a

certification that the compliance methods were performed as frequently as and in the manner required by the permit. This certification is in addition to the certification of the compliance status for the permit terms or conditions for which the compliance methods serve as a “method for determining compliance.”

In Section C you must identify the emissions units that are subject to the permit term or condition and indicate the compliance status for each individual permit term or condition, respectively. You also must certify the compliance status for each term or condition on the basis of its compliance status for the entire reporting period. Use the following definitions to help you determine whether to indicate “Continuous Compliance” or “Intermittent Compliance.”

***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, except for upsets or malfunctions during which compliance is not required. Monitoring data includes information from instrumental (e.g., CEMS, COMS, or parametric monitors) and non-instrumental (e.g., visual observation, inspection, recordkeeping) forms of monitoring.

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

Note: The Title V regulations do not contain definitions for these terms, but the interim definitions shown here will help you to provide a meaningful representation of your compliance status. These interim definitions are based on current 40 CFR 71 guidance.

When making a determination of compliance status, R.61-62.70.6(c)(5)(iii)(B) requires you to consider all other material information you have in order to comply with Section 113(c)(2) of the U.S. Clean Air 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 that information or knowledge is required to be collected by the permit or not. As used here, this term is similar to the term “any 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 used, 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”).

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.

To describe monitoring methods used to determine compliance, 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 a cross-reference to or citation of the permit terms that require the monitoring (using the numbering system established in the permit). The cross-reference to or citation of permit terms must be detailed enough to identify the specific monitoring method unambiguously and clearly. Also, describe the nature of and reason for 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 last 12 months, as required by permit condition 6.B.3.”

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 a cross-reference to or a citation of the permit terms that require the recordkeeping, or a description of the nature of and reason for 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 condition 6.B.5.”

For reporting methods used to determine compliance, describe what was reported, the frequency or dates when reporting occurred, and include a cross-reference to or citation of the permit terms that require the reporting, or a description of the nature of and reason for reporting not required by the permit. An example of an adequate description for reporting methods used to determine compliance and 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 semiannual report, required by permit condition 6.B.7.”

Monitoring, recordkeeping, and reporting methods may be combined to describe an individual permit term or condition in Section C. It is not necessary to list these methods as separate line items for each individual permit term or condition.

### ***Section D (Deviations)***

Use this Section to summarize all deviations from permit terms or conditions that occurred during the last year (or the reporting period, if less than a year). Such deviations should have been reported in

previous periodic reports. You must also include any deviations that were required to be reported, but either were not reported or were reported later than the required deadline. Provide information on each deviation in a separate row of the table.

Deviations occur when any permit term or condition is not met, including but not limited to terms that establish emission limitations; emission standards; control equipment requirements, work practices, and parameter ranges; and permit terms designed to assure compliance with other permit terms (such as monitoring, recordkeeping, and reporting required by the permit). For example, included in the meaning of deviation are any of the following: (1) a condition where emissions exceed an emission limitation or standard; (2) a situation where parametric values from process or emission control devices indicate that an emission limitation or standard has not been met; (3) 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 (including indicators of noncompliance revealed through parameter monitoring); (4) a situation in which an exceedance or an excursion, as defined in 40 CFR part 64 (compliance assurance monitoring, or CAM), occurs; (5) a situation in which required monitoring of emissions or parameters is not performed (missing data); and (6) failure to comply with a permit term that requires submittal of a report.

You must include deviations from permit terms that occur during startup, shutdown, malfunction, and upset conditions, whether excused by the permit or not. Note that an emergency is also considered a deviation subject to prompt reporting requirements, and thus, emergencies must also be included in this form. An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of R.61-62.70.6(g)(3) are met, including that notice of the emergency was submitted to the Department within 24 hours of the time when emission limitations were exceeded due to the emergency. A deviation is not necessarily a violation. Violations will be determined by the Department.

Periodic reports previously submitted to the Department identifying deviations may be cross-referenced in Section D provided the report includes all the information required in the table. **Be sure to identify clearly and unambiguously the specific periodic report (submittal date will suffice) AND the specific deviation contained in the report.** There may be several equally appropriate ways to cross-reference the specific deviation contained in a report. For example, you might have assigned an identification number to the deviations in the original report or you might attach a copy of the previously submitted report and annotate it with such numbers you assign specifically for this purpose.

Please note that failure to submit a required deviation report or submission of such a report later than the deadline specified in the permit is a deviation. Such deviations would be deviations from the permit term or condition requiring deviation reporting.