

New Hampshire Department of Environmental Services Air Resources Division



Title V Operating Permit Reporting Guidance

Introduction

The NH Department of Environmental Services, Air Resources Division (“DES”) has developed this reporting guidance in order to offer information and assistance to owners and operators of facilities subject to Title V of the Clean Air Act (“Title V”). The Code of Federal Regulations, Title 40, Part 70 (“40 CFR 70”) specifies the requirements for the Title V Operating Permit Program. This guidance addresses some of the reports required to be submitted by 40 CFR 70 and NH Administrative Rules Env-A 900 by owners of facilities that are subject to Title V and that have been issued or are waiting to be issued a Title V Operating Permit, including:

1. The **Annual Compliance Certification, to be received annually by DES no later than April 15;** and
2. The **Semi-Annual Permit Deviation and Monitoring Report, to be received semi-annually by DES no later than January 31 and July 31 (or alternate schedule with DES approval).**

This guidance document, last revised on October 20, 2010, is being revised as of October 13, 2011 to inform Title V sources of a modification in DES’s interpretation of the reporting requirements for individual permit deviations. This modification now makes the reporting requirements in Env-A 911 and 40 CFR 70 consistent. The optional reporting forms noted below have not changed.

Included as appendices to this guidance document are optional forms that can be used to satisfy the reporting requirements for Title V sources. DES is not requiring the use of these forms or the particular format shown. However, all of the information listed on the optional forms must be reported to DES, regardless of the reporting format used. The appendices include the following documents:

- A. Annual Compliance Certification, Parts 1 through 3;
- B. Instructions for completing the Annual Compliance Certification;
- C. Semi-Annual Permit Deviation and Monitoring Report, Parts 1 through 5;
- D. Instructions for completing the Semi-Annual Permit Deviation and Monitoring Report; and
- E. Permit Deviation Reporting Form.

The Annual Compliance Certification must be submitted to both DES **and** to the USEPA. The Semi-Annual Permit Deviation and Monitoring (“PD/M”) report is only required to be

submitted to DES. However, if there is information contained in the Semi-Annual PD/M Report that is necessary to demonstrate its compliance to the USEPA when submitting the Annual Compliance Certification, the source should include copies of the semi-annual report or any other pertinent data referenced in the document and necessary to demonstrate compliance.

The Annual Compliance Certification is discussed in more detail in Section I of this guidance document, the Semi-Annual PD/M Report is discussed in more detail in Section II, and permit deviation reporting is discussed in more detail in Section III.

Copies of this guidance document, the optional reporting forms and the instructions for completing the reporting forms can be viewed or downloaded from the DES website at <http://des.nh.gov/organization/divisions/air/pehb/apps/categories/technical.htm>.

Reporting requirements in the Title V Operating Permit:

40 CFR 70.6 and NH Administrative Rule Env-A 907.04 require a Title V source to submit an Annual Compliance Certification and Semi-Annual PD/M Reports. The Title V Operating Permit typically contains a condition or requirement with the following or similar language: “The Annual Compliance Certification shall be submitted in accordance with Section XXI of this Permit.” Section XXI (the section number may differ in individual Title V Operating Permits) describes the information that must be included in the Annual Compliance Certification. The source is required to certify its compliance status with **each and every condition of the permit**, beginning with Section I and continuing through the General Title V Operating Permit Conditions (see pages 11 and 12 for an exception to this requirement for the General Conditions). The requirement in the Title V Operating Permit to submit the Semi-Annual PD/M Report typically references the monitoring requirements contained elsewhere in the permit for which data needs to be summarized and submitted in the semi-annual report. It also requires a summary of permit deviations that occurred during the reporting period.

For Title V sources operating under a Temporary Permit or State Permit to Operate, either in addition to, or prior to being issued, a Title V Operating Permit:

Most Title V sources have a single Title V Operating Permit issued by DES which covers all their operations that are subject to air pollution rules and requirements. If that is the case, then the source only has to report its compliance status with the requirements and conditions of that one permit. However, sometimes a Title V source may operate temporarily under the conditions of a Temporary Permit and/or a State Permit to Operate in addition to or instead of a Title V Operating Permit. Some examples where this might occur include:

1. A newly-constructed Title V source is issued a Temporary Permit under which it will operate prior to DES issuing it a Title V Operating Permit;
2. A source operating under the conditions of a State Permit to Operate becomes subject to the Title V permitting requirements as a result of a regulatory change, such as a new regulation or a decrease in a regulatory threshold. The source must apply to DES for a Title V Operating Permit prior to the compliance date for the new rule, but will continue

to operate under the conditions of the State Permit to Operate until DES issues the Title V Operating Permit; or

3. An existing Title V source with a Title V Operating Permit applies for and is issued a Temporary Permit by DES in order to allow it to construct and install additional devices or processes or make changes to its operation that are required to be included in a permit. The source shall comply with the conditions contained in both the Title V Operating Permit and the Temporary Permit until such time DES issues a revised Title V Operating Permit that contains the requirements of both permits.

On April 21, 2007, DES promulgated Env-A 907.04 General Reporting Requirements for Sources Subject to Env-A 609 which requires all Title V sources to submit Annual Compliance Certifications and Semi-Annual PD/M Reports even if DES has not yet issued the Title V Operating Permit. In that event, the source must comply with the reporting requirements of 40 CFR 70 and **apply this guidance to the conditions of ALL permits under which it is operating.**

For Title V sources that shutdown, reduce emissions below major source, or opt out of Title V as a Synthetic Minor source:

Sometimes a source that was originally subject to Title V because of its potential to emit one or more pollutants above a major source threshold, reduces its actual and/or potential emissions such that it is no longer subject to the Title V Operating Permitting program. This can occur if a source shuts down or if it permanently removes devices that emitted pollutants for which the source was major, thereby lowering its potential emissions to below major source thresholds. A source can also choose to opt out of Title V by applying for and obtaining a synthetic minor source permit that contains federally enforceable permit limits that restrict its actual emissions to below major source thresholds.

In the event any of the above instances occur, the former Title V source must still comply with all the reporting requirements for any period during which it was subject to Title V. If a source is subject to Title V for only part of the calendar year, the owner/operator must still submit an Annual Compliance Certification which must be received by DES by April 15 for any part of the preceding year during which Title V was applicable. Prior to July 31 or January 31, or whichever report receipt deadline applies, the owner/operator must also submit a Semi-Annual PD/M Report for any part of the preceding 6-month period during which Title V was applicable. If a source is shutting down all of its equipment, devices and operations, it should submit any required reports to DES as part of its closing process. For a source shutting down, it is also required to submit a final annual emissions report and submit annual emissions-based fees for any part of the year it operated.

For all Title V-subject sources:

It is the responsibility of the Title V source to monitor its compliance with all conditions and requirements of all the permits to which it subject during the reporting period and to accurately certify its compliance status annually. **DES does not send notices to Title V sources to remind them of their reporting obligations and deadlines.** Title V sources that submit incomplete reports, fail to submit a report, or submit a report after the report receipt deadline may be subject to enforcement action by DES and/or the USEPA. The USEPA assigns High Priority Violator (HPV) status to sources that fail to submit the Title V Annual Compliance Certification by the reporting deadline. Although not required, DES recommends that the Annual Compliance Certification and semi-annual reports be sent to DES via certified mail.

Section I. Annual Compliance Certification:

40 CFR 70.6(c)(5)(iii) and Env-A 907.04 require that all Title V sources certify their compliance status with **each condition and requirement of the permit** on an annual basis. The Annual Compliance Certification must be submitted and received by DES annually on or before **April 15** and covers the period of January 1 through December 31 of the preceding calendar year.

Operating with more than one Permit during the Reporting Period:

If during the January 1 through December 31 reporting period, the Title V source operated under the conditions of one or more or any combination of Title V Operating Permits, State Permits to Operate, or Temporary Permits, the source must certify its compliance with the conditions of all the permits under which it operated.

If a Title V Operating Permit is issued to replace an earlier expired Title V Operating Permit without any changes, or if the new permit contains some new requirements, but still contains all the requirements of the prior permit, then the source can certify against all the conditions of the old permit and identify its compliance with any new requirements as only being for the period since the new permit was issued.

If the source has a current Title V Operating Permit and is issued a Temporary Permit which allows it to change its operation or install a new device and which will ultimately be incorporated into a new Title V Operating Permit, the source must certify its compliance with the Title V Operating Permit and the Temporary Permit for the time period for which each permit was valid. In some cases, the source will have to submit separate Annual Compliance Certifications for each period and/or each set of permit conditions under which it operated in order to clearly identify the pertinent permit conditions, its compliance status with those conditions, and the period during which those conditions applied.

How the source chooses to accomplish the task of certifying its compliance in the case of multiple permits during a reporting period will depend on its particular circumstances. However,

it is the Title V source's responsibility to ensure that the Annual Compliance Certification is complete, accurate and understandable. If the source has any questions about how to meet its certification obligations with multiple permits, it should contact DES for clarification prior to the deadline for submitting the certification.

Certifying Compliance:

In accordance with 40 CFR 70 and Env-A 907.04, each Annual Compliance Certification must contain the following information:

1. The terms and conditions of the permit that are the basis of the certification. The report must include the particular permit section or item number that references each requirement,
2. A brief summary of the requirement which allows the reviewer to have a general idea of what the condition requires and what the source is certifying.
3. The compliance status of the source with respect to each term and condition of the permit, and whether compliance was continuous, intermittent (i.e. not in compliance all the time during the period, but in compliance for most of the time), not in compliance (i.e. not in compliance at all during the period, or not in compliance most of the time), or, in some instances, "not applicable" during the reporting period. The compliance status is not continuous if any deviation of the permit requirement occurred during the reporting period. See Section III of this guidance for reporting of permit deviations. See pages 7 and 11 of this guidance for a description of when it is appropriate to certify compliance as "Not applicable".
4. The method(s) or means used to determine compliance, including a description of the monitoring, test methods, record keeping, or reporting used by the source whether required by the permit(s) or not in order for it to accurately certify its compliance status.
5. The frequency of the method(s) or means used to determine compliance. Note that 40 CFR 70.6(c)(5)(iii) no longer requires Title V sources to include the frequency of the monitoring in the Annual Compliance Certification. However, Env-A 907.04(a) does require sources to report this information. On Part 2 of the updated Annual Compliance Certification reporting form, the frequency has been moved to column (5) of the table. The source can state the frequency of the method or means of determining compliance as continuous or intermittent, as appropriate, or it can choose "Other" and insert the frequency as stated in the permit for performance of the required action, for example: annually, daily, *etc.*

The frequency of monitoring or action does not have to be continuous for the compliance status (as discussed in 3. above) to be reported as continuous. Most methods of determining compliance, including but not limited to most data recording, recordkeeping, reporting, fuel sampling, and stack testing, are done on an

intermittent frequency. Only automated and/or computerized methods such as continuous emissions monitoring (“CEM”) systems, continuous opacity monitoring (“COM”) systems, or other continuously monitored and recorded operational parameters are considered to be continuous means of identifying the compliance status.

Intermittent monitoring is sufficient to demonstrate continuous compliance if each reading or measurement required to be taken by the permit during the monitoring period shows compliance. Any monitoring method, whether intermittent or continuous, that shows any period(s) of non-compliance indicates intermittent compliance.

Any required monitoring or any action required by the permit that was not done indicates intermittent compliance with that respective permit requirement. Examples of intermittent compliance include a source submitting a report late, failing to maintain all of its required records, or exceeding the allowable downtime of a continuous emissions monitor. It also includes something as minor as the source failing to record or read an intermittent plant parameter. However, note that during a period of missing data, compliance with an overlying condition such as an emissions limit, could still be reported as continuous, if all other data recorded during that time period clearly indicates the source to be in compliance. In some cases, during a longer-term period of missing data caused by malfunction of monitoring equipment, DES may require an alternate parameter to be monitored or a lesser frequency of monitoring. For example, if a required opacity monitor malfunctioned, DES might require visible opacity observations to be done hourly or possibly daily until such time the monitor was repaired.

6. Any additional information required or comments necessary to determine or demonstrate the compliance status of the source. The compliance status regarding a particular permit requirement must be based, at a minimum, on the methods that are specified in the permit. This method should be stated by the source in column 4 of Part 2 of the Annual Compliance Certification reporting form. If the owner or operator knows of any other material information, beyond the monitoring required by the permit, that demonstrates any periods of non-compliance with a requirement of the permit, that information must be identified and addressed in the compliance certification.

If the Title V source cannot certify its compliance as “Continuous“ for any permit condition, it must include in column 6 of Part 2 of the Annual Compliance Certification, at a minimum, the date(s) during the reporting period when the permit deviation(s) occurred (discussed in Section III of this guidance). The source is required to include in its Semi-Annual PD/M Report (discussed in Section II of this guidance) a summary of permit deviations that occurred during the semi-annual period. Any deviations that occurred during the reporting period that were required to have been reported to DES within 24 hours of discovery, but were not, or that were required to be summarized in the Semi-Annual PD/M Report, but were not, should be reported in detail in the Annual Compliance Certification report. Data that has already been

submitted to DES in the Semi-Annual PD/M Report can be referenced in the Annual Compliance Certification instead of submitting duplicate data.

As has been stated earlier, the source is required to certify its compliance status with each and every requirement of the permit. The conditions typically numbered as Sections I through VII of the Title V Operating Permit identify the source, its primary activities, the permitted devices and the pollution control equipment, among other things. These initial permit conditions typically do not require any action on the part of the Title V source in order for it to comply with the permit. The conditions list the physical properties of the facility as it was described in the application for the Title V Operating Permit. These initial permit conditions are as follows:

Section I	Description of the facilities primary operations.
Section II	Permitted Activities statement.
Section III	Tables showing significant permitted devices and stacks.
Section IV	Identification of any Insignificant Activities
Section V	Identification of any Exempt Activities
Section VI	Table showing any pollution control equipment
Section VII	Identification of any alternative operating scenarios.

Even though these conditions require no action on the part of the source in order for it to comply, they still must be included in the annual compliance certification. This indicates to DES and the USEPA that the source has made no physical or operational changes to the facility since its submittal of the Title V Operating Permit application that might require amending the permit. If the source believes that Sections I through VII accurately reflect the current activities and physical condition of the facility, it can certify its compliance status with these conditions as “Continuous”. If the source has made any changes to its facility such that these conditions are no longer an accurate physical description of the facility, then the source must certify “Intermittent” compliance or “Not in Compliance” with an explanation of the change(s) or modification(s). Since there is no monitoring that is necessary, the source can certify the “method of monitoring or means to determine compliance” with these requirements as “Not applicable.”

With the exception of Conditions I through VII, in the case of any other permit condition that requires no action on the part of the source, is only a statement of fact, or is a requirement that contains a deadline for action or compliance that occurred prior to the period covered by the Annual Compliance Certification, the source can certify its compliance with that particular requirement as “Not applicable.”

Some examples of how to list the permit condition, summarize the permit condition requirement and/or monitoring methods, as well as how to properly certify the compliance status with the permit condition are included below.

Example 1: A source has been issued a Title V Operating Permit for a wood-fired boiler. Sections I through VII of the permit describe the facility and list the permitted devices and air pollution control equipment. There are no insignificant or exempt devices. Compliance with these permit conditions can be certified as follows:

Permit Condition #	Summary of Permit Condition or Requirement	Compliance Status	Method of Monitoring or Means to Determine Compliance	Frequency of Monitoring or Means to Determine Compliance	Summary of Deviations, if applicable; or Comment
Section I	Facility Description of Operations	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section II	Permitted Activities	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section III.A, Table 1, EU1	Wood-fired Boiler; heat input limited to 255 MMBtu/hr.	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section III.A, Table 1, EU2	Emergency Diesel Generator	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section III.B, Table 2,	Stack Criteria – EU1	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section IV	Insignificant Activities Identification	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section V	Exempt Activities Identification	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section VI, Table 3	Pollution Control Equipment – ESP on EU1	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None
Section VII	Alternative Operating Scenarios	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Not Applicable	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Not applicable	None

Example 2: A source has a Title V Operating Permit for its #6 fuel oil-fired boiler. Section VIII.B, Table 3, Item 7 specifies that “the maximum usage of #6 fuel oil shall be limited to 2,500,000 gallons during any consecutive 12-month period. In addition, based on the amount of fuel consumed and the average sulfur content of fuel burned, the SO₂ emissions from the facility may not exceed 249 tons during any consecutive 12-month period.” Compliance with these permit conditions can be certified as follows:

Permit Condition #	Summary of Permit Condition or Requirement	Compliance Status	Method of Monitoring or Means to Determine Compliance	Frequency of Monitoring or Means to Determine Compliance	Summary of Deviations, if applicable; or Comment
Section VIII.B, Table 3, Item 7	A maximum of 2,500,000 gal of #6 fuel and 249 tons SO ₂ in any consecutive 12-month period,	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Continuous fuel metering and %S on fuel delivery tickets	<input checked="" type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Other: (see comment)	Continuous monitoring for fuel usage; intermittent for %S

Section VIII.D, Table 5, Item 16 of the same permit requires calibration of the fuel monitors and Item 17 requires continuous fuel usage monitoring:

Permit Condition #	Summary of Permit Condition or Requirement	Compliance Status	Method of Monitoring or Means to Determine Compliance	Frequency of Monitoring or Means to Determine Compliance	Summary of Deviations, if applicable; or Comment
Section VIII.D, Table 5, Item 16	Fuel-flow metering and recording devices shall be calibrated	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Plant Maintenance Plan and entered in Logbook	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Annually	None
Section VIII.D, Table 5, Item 17	Fuel-flow shall be continuously monitored	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Fuel flow monitor	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Other:	None

Section VIII.F, Table 7, Item 5 of the same permit requires that delivery tickets from fuel suppliers be kept to document percent fuel sulfur content and Item 6 requires fuel usage recordkeeping:

Permit Condition #	Summary of Permit Condition or Requirement	Compliance Status	Method of Monitoring or Means to Determine Compliance	Frequency of Monitoring or Means to Determine Compliance	Summary of Deviations, if applicable; or Comment
Section VIII.F, Table 7, Item 5	Delivery tickets for each shipment of fuel oil received kept on file for inspection	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Plant fuel records and Logbook	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: File upon delivery	None
Section VIII.F, Table 7, Item 6	Record daily fuel usage in a bound logbook	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Fuel flow monitor and Logbook	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Daily	None

Example 3: A source has a Title V Operating Permit for its coating operation. Section VIII.E, Table 6, Item 3(c)1 requires it to test its thermal oxidizer, upon request by DES, to demonstrate at least 90% efficiency in reducing VOC emissions. Item 3(c)2 requires that the oxidizer continuously maintain a central chamber temperature of at least 1480 °F to ensure the minimum 90% removal efficiency while the unit is in operation. Item 3(c)3 requires continuous monitoring and recording of the oxidizer temperature, and Item 3(c)4 requires a low temperature alarm or periodic monitoring every 24 hours. Compliance with these permit conditions, which in this example includes deviations from 2 of the requirements and, therefore, intermittent compliance, can be certified as follows:

Permit Condition #	Summary of Permit Condition or Requirement	Compliance Status	Method of Monitoring or Means to Determine Compliance	Frequency of Monitoring or Means to Determine Compliance	Summary of Deviations, if applicable; or Comment
Section VIII.E, Table 6, Item 3(c)1	Minimum 90% VOC reduction efficiency by DES stack test	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Stack test	<input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input checked="" type="checkbox"/> Other: Stack test	Tested in 2005 DRE of 98.5%
Section VIII.E, Table 6, Item 3(c)2	Minimum 90% VOC reduction and central chamber temperature at least 1480 °F	<input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Temp. monitor and stripchart w/ low temp alarm	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Other:	On 10/08/09, temp at 1455 for 1 hour. See PD report submitted 10/09/09.
Section VIII.E, Table 6, Item 3(c)3	The operating temperature of the thermal oxidizer shall be monitored and recorded continuously.	<input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Alarm on stripchart recorder if it stops or malfn's	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Other:	Paper jam prevented recording data on 3/16/09 and 7/27/09. See PD reports submitted on 3/16/09 and 7/28/09.
Section VIII.E, Table 6, Item 3(c)4	Either low temperature alarm, or stripchart shall be examined every 24 hours to ensure compliance.	<input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Not in compliance <input type="checkbox"/> Not applicable	Temp. monitor and stripchart w/ low temp alarm	<input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Other: (Every 24 hours)	None

The examples above should be used as a reference in determining how to certify compliance with permit conditions. The source must certify its compliance status with **all of the terms and conditions of its permit(s)**, in the order in which the terms and conditions are listed. In these examples, only a very brief summary of the permit condition is included. In its submittal

of the Annual Compliance Certification, the Title V source must include enough information in the summary of the permit condition so that it is clear what the condition requires and what is being certified.

When completing the Annual Compliance Certification, the only exception to the source having to certify each and every requirement of the Title V Operating Permit is when certifying compliance with The General Title V Operating Permit Conditions, typically numbered as Sections X through XXVIII. In most cases, the source can certify its compliance with all these conditions as one item and make the statement that the general permit conditions (the Section numbers may vary according to individual Title V Operating Permits) are either not applicable or are addressed by other conditions contained within the permit. However, in some cases making this statement will not be accurate and the source will have to address these general conditions individually in the Annual Compliance Certification in order to accurately certify its compliance status.

For example, some of the individual conditions contained in the The General Title V Operating Permit Conditions are duplicated by similarly stated requirements contained in other sections earlier in the Title V Operating Permit. However, if any of the non-duplicated sections of the The General Title V Operating Permit Conditions are applicable, then the source will have to certify its compliance with those specific sections individually. In addition, if the source is not in continuous compliance with any of the applicable sections of The General Title V Operating Permit Conditions that are duplicated earlier in the permit, the source cannot state it is in compliance with the The General Title V Operating Permit Conditions.

The Annual Compliance Certification must include a Certification of Accuracy statement, as discussed in Section IV of this guidance. The Responsible Official listed on the cover page of the Title V Operating Permit must sign the statement. For a Title V source that has not yet been issued a Title V Operating Permit, the Responsible Official is the person defined in Env-A 101.164.

If there are any questions regarding the Annual Compliance Certification, please call (603) 271-1370 prior to the reporting deadline and request to speak to the Air Resources Division's Compliance Bureau.

Section II. Semi-Annual Permit Deviation and Monitoring Report:

40 CFR 70.6(a)(3)(iii)(A) and Env-A 907.04 contain the requirements for semi-annual reporting. These requirements are usually incorporated into the Title V Operating Permit in the table titled "Applicable Reporting Requirements."

All Title V sources are required to submit Semi-Annual Permit Deviation and Monitoring ("PD/M") reports to DES. In this report, the source summarizes the results of the monitoring and work practices required by the permit(s) in order for it to determine and to demonstrate its compliance status with the terms and conditions of the permit(s).

Reports are normally required to be received by DES no later than **July 31** for the preceding period of January through June, and no later than **January 31** for the preceding period of July through December. However, sources may elect to submit these reports on an alternate schedule for 6-month frequency with the prior approval of DES. Any information that is required to be included in the Semi-Annual PD/M Report that has already been submitted by the source as part of some other report may be referenced in the Semi-Annual PD/M report as having been submitted previously. A duplicate copy of the information does not have to be submitted in the Semi-Annual PD/M report. For example, sources with CEM systems are required to submit quarterly Excess Emissions Reports (“EERs”) and summaries of daily emissions data within 30 days after the end of the calendar quarter. The source may also submit monitoring data and fuel usage in the EER. That data does not have to be duplicated in the Semi-Annual PD/M report as long as a reference to monitoring data contained in the EER, or any other previously submitted report, is included in the Semi-Annual PD/M report.

The types and amounts of data that are required by the monitoring provisions of the permit vary greatly from source to source depending on the devices covered by the permit. The monitoring information that the source includes in the Semi-Annual PD/M should contain summaries of the pertinent data that demonstrate the source’s compliance status and show that the required data is being recorded and maintained. Some examples of common permit monitoring requirements and the data that should be submitted to DES in order to demonstrate compliance with those requirements are included below and on the following pages.

Example 4: A source has a Title V Operating Permit for three oil-fired boilers that are subject to NO_x RACT. The permit contains monitoring requirements that include periodic stack testing of the boilers for NO_x RACT compliance at least every 3 years and maintenance of records of fuel deliveries to show compliance with fuel sulfur content limits. The permit contains the following language:

Table 5 - Monitoring/Testing Requirements					
Item #	Parameter	Method of Compliance	Frequency of Method	Applicable Emission Unit	Regulatory Citation
11.	NO _x RACT Testing	The Owner or Operator shall determine compliance with the NO _x emission limits specified in Table 4 of this Permit for Boilers #1 through #3 by conducting stack testing every three years. Compliance stack testing shall be conducted in accordance with Env-A 802.	Once every 3 years	EU01 through EU03	Env-A 802, Env-A 803.02 (effective 10-31-2002)
12.	Sulfur content of liquid fuels	Maintain records of fuel oil deliveries and fuel sulfur content in accordance with Table 6, Item #5 in order to demonstrate compliance with the sulfur content limitation provisions specified in this permit for liquid fuels.	For each delivery of fuel oil to the facility	Facility Wide	Env-A 806.02 & Env-A 806.05 (effective

Table 5 - Monitoring/Testing Requirements					
Item #	Parameter	Method of Compliance	Frequency of Method	Applicable Emission Unit	Regulatory Citation
					04-27-2007)

In the Semi-Annual PD/M report which covers the 6-month period in which the NO_x RACT testing required in Table 5, Item #11 of Example 4 above was conducted, the source should include a brief summary of the results of the testing. For those years when testing is not required to be performed, the source should state in the Semi-Annual PD/M report when the last test was accomplished.

For the fuel sulfur content verification requirement in Table 5, Item #12 of Example 4 above, the source should include a summary of all fuel deliveries that occurred in the semi-annual period being reported, showing the date delivered, and the amount and the weight percent sulfur of each delivery. In addition, copies of several representative fuel delivery tickets showing the information that was summarized should be included in the report.

Please note that in some permits, all the information that is required to be included in the Semi-Annual PD/M Report may not be stated in the individual monitoring requirements of the permit. For example, the reporting requirement for the Semi-Annual PD/M Report may state “The report shall contain a summary of the following information...a summary report of the annual NO_x RACT efficiency testing results required in the Applicable Recordkeeping section of this permit.” The recordkeeping requirement for the annual NO_x RACT efficiency testing typically reads as follows:

Table 6 - Applicable Recordkeeping Requirements				
Item #	Applicable Recordkeeping Requirement	Records Retention/Frequency	Applicable Emission Unit	Regulatory Citation
3.	<p>The Owner or Operator shall maintain records of NO_x RACT testing results for the boilers in a permanently bound log book containing the following information:</p> <ul style="list-style-type: none"> a. The date(s) on which: <ul style="list-style-type: none"> i. The efficiency test was conducted; and ii. The combustion process was last adjusted; b. The name(s), title and affiliation of the person(s) who: <ul style="list-style-type: none"> i. Conducted the efficiency test; and ii. Made the adjustments; c. The NO_x emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; d. The CO emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; and e. The opacity readings. 	Maintain on a continuous basis	EU01 through EU03	Env-A 1211.05(b)(2)

The recordkeeping requirement in Item #3 above stipulates that NO_x and CO concentration readings, corrected to 15% oxygen, and opacity readings need to be included in the records maintained of the testing. This information, although specified in Env-A 802 which is referenced in the NO_x RACT testing requirement in the previous example (item #11 of Table 5), is not explicitly included in the monitoring requirement. Therefore, the person(s) performing the testing must collect this data during the annual NO_x RACT efficiency test. This data must be submitted in the Semi-Annual PD/M Report.

The example above illustrates the importance of being aware of ALL the details and requirements of the permit(s) to which the source is subject.

Example 5: A source is required by its Title V Operating Permit to maintain the combustion zone temperature of the Regenerative Thermal Oxidizer (“RTO”) in the range of 1475 to 1525 degrees F in order to ensure adequate destruction of pollutants. The source is required to continuously monitor this temperature using a system that records the temperature every 5 minutes. The source must include a summary of the monitored data in the Semi-Annual PD/M Report.

Table 6 – Monitoring/Testing Requirements					
Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Cite
13.	PC1	Monitoring Requirements for the RTO	The owner or operator shall maintain a normal operating range of 1,475 – 1,525 degrees F for the RTO combustion zone temperature. The combustion zone temperature shall be monitored continuously and recorded at a minimum of 5 minute intervals.	Continuously	40 CFR 63 Subpart SS Section 63.995(c)

*To comply with this requirement, the source **does NOT** have to submit all of the data recorded during the semi-annual period to DES to demonstrate its compliance. The source can submit examples of the temperature and process data recorded over short-term periods (e.g. several days) that show representative data and how the data is recorded and monitored. The source can also submit a statement that on all days during the reporting period, noting any exceptions and deviations, values for the recorded parameters fell within the allowable ranges. The source can summarize any days that were promptly reported as deviations to DES because data was not recorded, or because the data fell outside of the allowable ranges.*

The Semi-Annual PD/M Report should include a summary of all permit deviations that have occurred during the reporting period (see Section III below). For deviations previously reported to DES, the summary does not have to include all the details of each reported permit deviation. However, it should include the affected device, type of deviation, date of occurrence, date the Permit Deviation report was filed with DES, and whatever minimum data is necessary to show that the deviation was remedied. Any deviations that occurred during the reporting period that were not previously reported to DES within 24 hours of discovery, but were required to have been reported, should be reported in detail in the Semi-Annual PD/M Report.

Optional forms that can be used for reporting the information required to be included in the Semi-Annual PD/M Report are included as an attachment to this guidance document. The source is not required to use these forms or to use the particular format shown. However, all information listed on the optional forms is required to be reported by the source.

The Semi-Annual PD/M Report must include a Certification of Accuracy statement as discussed in Section IV of this guidance. The statement must be signed by the Responsible Official as listed on the cover page of the Title V Operating Permit. For a Title V source that has not yet been issued a Title V Operating Permit, the Responsible Official is the person defined in Env-A 101.164.

If there are any questions regarding the Semi-Annual PD/M Report, please call (603) 271-1370 prior to the reporting deadline and request to speak to the Air Resources Division’s Compliance Bureau.

Section III. Reporting Permit Deviations:

The term “deviation” is not defined in 40 CFR 70. However, “permit deviation” is defined in NH Admin. Rules Env-A 101.138 as “any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in either a Title V Operating Permit, state permit to operate or temporary permit issued by the division.” DES and the USEPA Region 1 have chosen to describe “prompt” as within 24 hours of discovery of a deviation.

40 CFR 70.6(a)(3)(iii)(B) specifies the requirement for the reporting of permit deviations by Title V sources. It states that permits shall require:

“Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements.”

DES is revising this Title V reporting guidance after discussion with EPA Region 1 regarding the intent of the language in 40 CFR 70 above. Whereas DES previously required the notification of all deviations from a Title V permit requirement within 24 hours of discovery, it now requires prompt, 24-hour or 10-day as specified below, reporting of only those deviations resulting in excess emissions or those that occur for more than 9 consecutive days. This interpretation is consistent with the permit deviation reporting requirements specified in Env-A 911 *Recordkeeping and Reporting Requirements for Permit Deviations* which specifies the permit deviation reporting requirements for all permitted sources.

Env-A 911 requires Title V sources to notify DES by telephone, fax or email within 24 hours of discovery of a permit deviation that results in excess emissions. A follow-up hardcopy report must be submitted to the department within 10 days of the permit deviation. If the original notification of the deviation contained all the information required to be included in the complete hardcopy report, specified in Env-A 911.04(d) and shown below on page 17, then the initial notification will serve as both 24-hour notification and 10-day report.

Note that a direct measurement of a pollutant emissions rate by a continuous emissions monitoring (CEM) system or by a USEPA Method 9 opacity observation is not necessary to discover an excess emission. Failures of air pollution control equipment, exceeding fuel consumption or material usage rates, or operating more than the allowable hours in a 24-hour period are just some of the events likely to result in excess emissions and which require 24-hour permit deviation notification.

In addition to reporting any periods of excess emissions, Env-A 911 also requires any Title V source that has a permit deviation that continues for a period greater than 9 consecutive days to report to DES the subsequent corrective actions to be taken by telephone, electronic mail, or fax on the tenth day of the permit deviation.

Finally, a source with an opacity or a gaseous continuous emissions monitoring (“CEM”) system that fails to comply with the minimum data availability requirement of 90 percent per calendar quarter specified in Env-A 800 shall notify DES within 10 days of discovery of the deviation. It must also report the failure to meet the minimum data availability requirement in the quarterly (excess) emissions report.

The complete permit deviation reports, required to be submitted to DES within 10 days of discovery of the deviation, must include, in addition to the permit number and permit section an/or item # that was deviated from, the following information:

- (1) Facility name;
- (2) Facility address;
- (3) Name of the responsible official employed at the facility;
- (4) Facility telephone number;
- (5) Date(s) of the occurrence;
- (6) Time of the occurrence;
- (7) Description of the permit deviation;
- (8) The probable cause of the permit deviation;
- (9) Corrective action(s) taken to date;
- (10) Preventative measures taken to prevent future occurrences;
- (11) Date and time that the device, process, or air pollution control equipment returned to operation in compliance with an enforceable emission limitation or operating condition;
- (12) The specific device, process or air pollution control equipment that contributed to the permit deviation;
- (13) The type and quantity of excess emissions emitted to the atmosphere due to the permit deviation; and
- (14) The calculation or estimation used to quantify the excess emissions.

Title V sources must also **summarize** in the [semi-annual permit deviation and monitoring \(SA PD/M\) report](#) the occurrence of **ALL deviations** from any permit requirement that occurred during the semi-annual period. Any permit deviations, such as those discussed above, that have already been reported to the department within 24 hours or 10 days as appropriate can be summarized using Part 4 of the SA PD/M report. All other deviations that have not been previously reported can be reported using Part 5 of the SA PD/M report. Permit deviations include any permit term or condition that has not been complied with. The deviation does not have to be a violation of an emission limitation or standard in order for it to have to be reported. Failure to monitor data required by the permit, or at the frequency required by the permit, is a permit deviation, as is the failure to perform required recordkeeping or submit reports by the respective deadline.

If the deviation is a failure of a monitoring device that is required to indicate compliance with an emissions limit, and if other evidence shows that the parameter that was being monitored was outside of the compliance range during the period of missing data, or that an emissions violation or exceedance occurred that normally would have been indicated by the data that was not recorded, then this must also be reported as a permit deviation within 24 hours of discovery of the exceedance.

Reporting permit deviations to DES does not necessarily imply that enforcement action will be taken for the deviation. However, DES may choose to take appropriate enforcement action for permit deviations depending on the circumstances.

Permit deviations can be reported to DES by telephone, fax, mail or e-mail (pdeviations@des.nh.gov). Permit deviations that are reported to DES within 24 hours by fax or by e-mail and that contain all the information required to be submitted in the written report, fulfill both the 24-hour requirement and the requirement for the 10-day written report.

Included as Appendix E to this guidance document is an optional form that can be used for reporting permit deviations by fax, mail or e-mail. The source is not required to use this form or the particular format shown. However, all information listed on the form and noted above is required to be reported by the source.

The permit deviation report must include a Certification of Accuracy statement as discussed in Section IV of this guidance. The report must be signed by the Responsible Official listed on the cover page of the Title V Operating Permit. For a Title V source that has not yet been issued a Title V Operating Permit, the Responsible Official is the person defined in Env-A 101.164. DES will accept permit deviation reports sent via e-mail without a signed Certification of Accuracy statement, but a copy of the permit deviation report with a signed Certification of Accuracy statement must be faxed or mailed immediately thereafter.

If there are any questions regarding reporting of permit deviations, please call (603) 271-1370 and request to speak to the Air Resources Division's Compliance Bureau.

Section IV. Certification of Accuracy Statement:

40 CFR 70.5(d) states that "Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

The person designated by the source as the Responsible Official can be any one or more of the following:

- a. A person in charge of a principal business function, or who performs similar policy or decision-making functions for the corporation;
- b. A duly authorized representative of the company or corporation if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit;

- c. A responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the submission of and compliance with permits, permit applications, and compliance plans for the unit; or the submission of, or compliance with permits, permit applications, compliance plans, emission monitoring plans and reports, and Annual Compliance Certifications; or
- d. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

The person designated as the Responsible Official can be changed by requesting an Administrative Permit Amendment pursuant to the NH Admin. Rules Env-A 612.01.

All documents submitted to the DES are required to contain a certification of accuracy statement signed by the Responsible Official. Such certification must comply with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Section V. Mailing Addresses:

All reports submitted to DES must be mailed to the following address:

NH Department of Environmental Services
Air Resources Division
29 Hazen Drive; PO Box 95
Concord, NH 03302-0095
ATTN: Compliance Bureau

All reports submitted to EPA must be mailed to the following address:

USEPA New England
5 Post Office Square - Suite 100
Boston, MA 02109-3912
ATTN: Air Compliance Clerk (mailcode: SEA)

If there are any questions regarding the reporting of permit deviations, please call (603) 271-1370 and request to speak to the Air Resources Division's Compliance Bureau.

Appendices to Guidance Document:

- A. Annual Compliance Certification, Parts 1 through 3
- B. Instructions for completion of the Annual Compliance Certification
- C. Semi-Annual Permit Deviation and Monitoring Report, Parts 1 through 5
- D. Instructions for completion of the Semi-Annual Permit Deviation and Monitoring Report
- E. Permit Deviation Reporting Form