Instructions to complete the Air Operation Permit Compliance Certification (Form 4530-170 (R 04/06)):

In order to comply with the requirements of s. NR 439.03(1)(c), Wis. Adm. Code, all sources issued an air operation permit by the Wisconsin Department of Natural Resources (the Department) shall submit an annual or more frequent certification of compliance with all permit terms and conditions over the reporting period specified in the permit. All submittals must certify the source’s compliance status with all conditions in your operation permit in accordance with s. NR 439.03(8) and (10), Wis. Adm. Code. Your compliance status must be based on, but is not limited to, the testing and monitoring methods specified in the permit. In addition to the monitoring methods required by the permit, the responsible official must consider all available material information when certifying compliance. The responsible official must identify all information that indicates a deviation on the Deviation Summary Report. A source may satisfy its obligations under s. NR 439.03(1)(c), Wis. Adm. Code, through completion of this form according to the instructions below.

I. Become familiar with compliance certification requirements under ch. NR 439, Wis. Adm. Code, by reading the section of your air operation permit pertaining to compliance certifications. The exact location of this section within your operation permit may vary depending on the type of permit you have (traditional permit, general permit, or registration operation permit).

This section of your permit explains how to certify compliance with all air operation permit terms and conditions, which include both specific conditions and general conditions. According to s. NR 439.03(8), Wis. Adm. Code, each certification shall include the following information:

1) Identification of each permit term or condition that is basis of the compliance certification.
2) The compliance status of the stationary source with respect to each term or condition identified in (1).
3) Information on whether compliance was continuous or intermittent.
4) Method(s) used for determining the compliance status, currently and over the previous 12-month period.
5) Any other information, as specified in the permit, required to determine the compliance status of the source.

II. Know your responsible official.

Your air operation permit also specifies that a Responsible Official for the source must certify, based on information and belief formed after reasonable inquiry, that the statements in the compliance certification are true, accurate and complete. Although there may be different people responsible for diverse operations at your facility, s. NR 400.02(136), Wis. Adm. Code, contains specific rules on who may be considered a Responsible Official:

a) For a corporation, one of the following:
   1) A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function.
   2) Any other person who performs similar policy or decision-making functions for the corporation.
   3) A duly authorized representative of a person listed in subd. 1. or 2. 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 and the representative is approved in advance by the Department.

b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

c) For a municipality, or a state, federal or other public agency: either a principal executive officer or ranking elected official. For the purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency, for example, a regional administrator of EPA.
d) Notwithstanding pars. (a), (b) and (c), for affected sources (stationary source that includes one or more affected units that are subject to an emissions reduction requirement or emissions limitation under the acid rain program), the designated representative.

III. Once you have identified your responsible official, thoroughly review each condition of your air operation permit.

Each air operation permit typically contains two types of requirements: 1) specific permit conditions for which required compliance demonstration methods are identified, and 2) general permit conditions for which compliance demonstration methods are not identified. The responsible official must certify compliance with every permit condition, which includes both specific and general conditions.

- Certification with requirements for which compliance demonstration methods are specified in your operation permit should be based on a review of the results of the monitoring and testing required by those compliance demonstration methods, plus any other material information concerning observed, documented, or known instances of non-compliance (for example, a non-required stack test done to verify proper operation of a control system).

- Permit requirements without specified compliance demonstration methods are typically facility-wide requirements, and some are largely informational in nature. Some of these conditions apply to activities that may not routinely occur at the source. The Department believes there is typically little potential for violation of these general requirements. Consequently, if there were no observed, documented, or known instances of non-compliance with these requirements, an annual certification of continuous compliance is presumptively appropriate in relation to these requirements.

IV. Complete Section A, “Facility Information” of the Air Operation Permit Compliance Certification Form

Section A lists the name and FID (Facility Identification Number) of each facility that submits an air operation permit compliance certification to the Department, identifies the air operation permit that is the basis of the compliance certification, and lists the time period addressed in the compliance certification.

- A(1): Facility Name
  Enter the official or legal name of the facility covered by the compliance certification. Do not use a colloquial or abbreviated name.

- A(2): FID
  Enter the Facility Identification (FID) number assigned to the facility covered by the compliance certification. This number can be found at the top of the operation permit cover page.

- A(3)a & b: Permit No. /Permit Issue Date
  Provide the air operation permit number and operation permit issue date relevant to the compliance certification. This information can also be found on the operation permit cover page.

- A(4): Reporting Period Covered by this Certification
  Enter the beginning and ending dates for the reporting period covered by the compliance certification. The beginning date shall be assumed to begin and end at midnight local time. NR 439.03(1)(c), Wis. Adm. Code, requires this reporting period to be at least every 12 months, but in some cases your permit might require compliance certification more frequently. Your air operation permit specifies under Part I, “Conditions Applicable to the Entire Facility” the required compliance certification frequency and the time period that your compliance certification(s) should address.

- A(5): For Part 70 Sources Only
  Wisconsin Part 70 sources are required to send a copy of each air operation permit compliance certification to US EPA Region V, in addition to the appropriate WDNR regional office. The address for the appropriate regional office is listed within Part I, “Conditions Applicable to the Entire Facility” of your air operation permit. Part 70 operation permit compliance certifications should be sent to US EPA Region V at the following address:

  US EPA Region V
  Air Enforcement Compliance and Assurance Branch
  AE-17J
  77 West Jackson Blvd.
  Chicago, IL 60604-3507

  Please check the appropriate box under Section A (5) of the Air Operation Permit Compliance Certification Form if a copy of your compliance certification has been sent to US EPA Region V.
V. Complete Section B, “Facility Compliance Information” of the Air Operation Permit Compliance Certification Form.  

Section B denotes source compliance status with each air operation permit condition over the reporting period specified in Section A (4), “Reporting Period Covered By This Certification”.  When certifying compliance with all conditions of the air operation permit, each source must provide “information on whether compliance during the reporting period specified was continuous or intermittent,” (s. NR 439.03(8)(c), Wis. Adm. Code).  This means that the source must indicate whether it operated in continuous compliance with all air operation permit conditions over the reporting period specified, or whether it operated in intermittent compliance with all air operation permit conditions over the reporting period specified. Sources may indicate compliance status for each individual permit condition by marking B(6)(a), Continuous Compliance, OR B (6)(b), Intermittent Compliance, within the compliance certification form’s Section B.

- B (6)(a): Continuous Compliance
Continuous compliance means that: 1) the permittee has collected all monitoring and compliance demonstration data required by the air operation permit at the data collection frequency required by the permit; 2) the monitoring and compliance demonstration data collected showed no deviations from any permit conditions; and 3) the permittee does not have knowledge of any other information that indicates deviations from permit conditions. Monitoring data includes information from instrumental (e.g., CEMs, COMs, or parameter monitors) and non-instrumental (e.g., visual observation, inspection, and recordkeeping) forms of monitoring.

- B (6)(b): Intermittent Compliance
Intermittent compliance means any form of compliance other than continuous compliance. If intermittent compliance is selected, you must identify and describe all deviations from air operation permit conditions during the reporting period identified in the compliance certification. Deviations occur when any permit condition is not met, including, but not limited to, conditions that establish emission limitations, control equipment requirements, work practices, parameter ranges, and permit conditions designed to assure compliance with other permit terms (such as monitoring, recordkeeping, and reporting required by the permit). A deviation is not necessarily a violation. Violations will be determined by the Department. If you certify intermittent compliance, you must identify and describe all deviations from air operation permit conditions during the specified time period by completing an Air Operation Permit Deviation Summary Report, and attaching this report to the compliance certification. Please see the attached instructions for completing the Deviation Summary Report.

Under these definitions, it makes no difference whether you use data collected on a continuous or intermittent basis to make your compliance status determination. In addition, when making a determination of compliance status, you must consider all other material information you have in order to comply with section 113(c)(2) of the 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 or not the permit requires that information or knowledge to be collected.

Please retain all monitoring data, compliance demonstration data, records, or other material information used to make your compliance determination for Department review for 5 years (s. NR 439.04(2), Wis. Adm. Code).

VI. If your facility operated under alternative permit requirements during the time period covered by the compliance certification, complete Section C, Alternative Permit Requirements.

In certain circumstances where the underlying applicable requirement allows, permits may include a choice of limits and/or standards, alternate operating scenarios, alternate monitoring methods, alternate recordkeeping, and the like. Where the permit includes such options or alternate requirements, the source must specifically identify the permit terms and conditions which applied over the entire reporting period. Many federal MACT standards provide a choice of emission standards and associated monitoring requirements. For example, the pulp and paper MACT (40 CFR part 63 subpart S) requires certain control devices to either reduce total hazardous air pollutant emissions by weight, or by volume, or through the use of a thermal oxidizer operating under certain parameters, or through other specified means. If your facility operated according to alternative permit requirements during all or part of the reporting period covered by the compliance certification, you must identify the requirements, list the dates of operation under the requirements, and cite the sections of your air operation permit that describe the alternative permit requirements. Relevant sections of your air operation permit may be cited according to permit outline organization, e.g., “II.D. (1)(b) 2-3”.

If your facility did not operate according to alternative permit requirements described in your air operation permit, do not complete Section C.

VII. The responsible official for your facility must complete Section D, Facility Compliance Certification.

According to s. NR 439.03(8)&(10), Wis. Adm. Code, each compliance certification shall be certified by a responsible official as to its truth, accuracy and completeness, and state that, based on information and belief formed after reasonable inquiry, the
When certifying compliance, the source must make a reasonable inquiry into each condition of the air operation permit to determine its compliance status. Reasonable inquiry requires that the source: 1) verify compliance with all conditions in the permit by review of all available data; and 2) report any known deviations, including situations where a different or no monitoring method is specified by the permit. A source cannot ignore evidence of a deviation, even if other evidence may show that one does not exist. Again, please retain all monitoring data, compliance demonstration data, records, or other material information used to make your compliance determination for Department review for 5 years (s. NR 439.04(2), Wis. Adm. Code).

VIII. Submit the completed Compliance Certification (Page 1 and 2 of this document) to the WDNR regional office listed within your air operation permit by the due date specified in your air operation permit. If deviations were detected during the reporting period, submit the Air Operation Permit Deviation Summary Report along with the completed Compliance Certification. If your facility is a Part 70 source, also submit a copy of the completed Compliance Certification (Page 1 and 2) and Air Operation Permit Deviation Summary Report (if applicable) to the US EPA by the due date specified in your air operation permit, as required by s. NR 439.04(9), Wis. Adm. Code.

Remember that a responsible official must sign the air operation permit compliance certification.

Instructions to complete the Air Operation Permit Deviation Summary Report (Form 4530-171 (R 04/06)):

You may use this form to report any deviations from compliance with air operation permit conditions that were detected during the reporting period specified in the Compliance Certification. Deviations occur when any permit condition is not met, including, but not limited to, conditions that establish emission limitations, control equipment requirements, work practices, parameter ranges, and permit terms designed to assure compliance with other permit conditions (such as monitoring, recordkeeping, and reporting required by the permit). A deviation is not necessarily a violation. Violations will be determined by the Department.

Please note that your air operation permit requires prompt reporting of deviations to the Department. Your permit requires that the Department be notified by the next business day of deviations from any permit condition, including the cause, duration and steps taken to prevent recurrence. In addition, the monitoring reports required by Part I conditions of the air operation permit should clearly identify all instances of deviations from permit conditions. Even if deviations were previously reported to the Department according to these requirements, the Compliance Certification should also contain a detailed description of the deviations that occurred within the certification report period.

Provide information on each deviation in a separate row of the table. Copy the suggested format as many times as necessary to include all deviations that occurred during the reporting period for the compliance certification.

I. Complete Section A, Facility Information.

Section A lists the name and FID (Facility Identification Number) of each facility that submits a deviation summary report to the Department, identifies the air operation permit that is the basis of the report, and lists the time period addressed in the report.

- A(1): Facility Name
  Enter the official or legal name of the facility covered by the deviation summary report. Do not use a colloquial or abbreviated name.

- A(2): FID
  Enter the Facility Identification (FID) number assigned to the facility covered by the deviation summary report. This number can be found at the top of the operation permit cover page.

- A(3) & A(4): Permit No. /Permit Issue Date
  Provide the air operation permit number and operation permit issue date relevant to the deviation summary report. This information can also be found on the operation permit cover page.

- A(5): Reporting Period Covered by this Deviation Summary Report
  Enter the beginning and ending dates for the reporting period covered by the deviation summary report. If submitting the deviation summary report in conjunction with a compliance certification, the time period addressed in the compliance certification should be the same as that addressed in the deviations summary report.
II. Complete Section B, Deviation Summary Report.

Section B identifies and describes each deviation from air operation permit conditions that occurred during the reporting period specified in Section A, Facility Information. Complete all columns within the deviation summary report table for each deviation that occurred during the specified reporting period. List each deviation that occurred during this reporting period on a separate line of the table.

- 1.) Permit Condition Reference
In the first column of the Deviation Summary Report, Permit Condition Reference, cite the permit condition for which there is a deviation (e.g., “condition I.B. (a)(2)(i)”) and describe the requirement (e.g. “emissions limitation of 0.039 gr/dscf” or “submission of semi-annual monitoring report”).

- 2.) Emission Unit
In the second column of the Deviation Summary Report, Emission Unit, list the emission unit where this deviation occurred. You may list multiple units here if they all had the same deviation during the same time periods. In addition, for deviations that apply to the facility as a whole or to all units at your facility, you may enter “facility-wide” in the emissions unit column.

- 3.) Deviation Start and End Dates
In the third column of the Deviation Summary Report, identify the beginning and ending time periods over which the deviation occurred.

- 4.) Date Deviation Previously Reported to WDNR
In the fourth column of the Deviation Summary Report, list the date that the deviation was previously reported to the Department. See Part II, Section D of your air operation permit for facility reporting requirements. Leave this column blank if you did not previously report this deviation to the Department.

- 5.) Deviation Description
In the fifth column of the Deviation Summary Report, Deviation Description, provide a detailed description of the deviation from permit conditions that occurred during the compliance certification reporting period.

- 6.) Method Used To Identify Deviation
Use this column to report the methods used to identify the deviation from permit conditions that occurred during the compliance certification period. These methods may include, but are not limited to, monitoring (instrumental and non-instrumental), recordkeeping, and reporting requirements, test methods, or other methods or means required by the permit, or that constitute other material information.

To describe methods used to identify the deviation, indicate the particular means by which information indicating the deviation was collected, the parameter or air pollutant being monitored, the averaging time, the monitoring frequency or the period over which the monitoring occurred, and the citation of permit conditions that require the monitoring (using the numbering system established in the operation permit). The permit condition citation must clearly and unambiguously identify the specific method used to identify the deviation. Where a source has a deviation from a parametric monitoring requirement, it must report both the deviation from the parametric monitoring requirement and also consider whether the monitoring deviation indicates a deviation from the associated emission limit. In addition to the deviation from the parametric monitoring requirement, the source should indicate on the deviation summary report either: 1) a deviation from the associated emission limit; or 2) provide additional compliance monitoring information to demonstrate that it did not deviate from the associated emission limit.

An example of an adequate description for monitoring methods required by the permit might be: “Hourly averages of SO2 concentration using Method 19 CEMS, data collected over last 12 months, as required by permit section I.E. (c)(1)”, or “Review of recordkeeping log indicated that temperature range was not recorded June 6”.

- 7.) Reason for Deviation and Corrective Action Taken
Use the column, Reason for Deviation and Corrective Action Taken, to explain what the source has done to identify the source of the deviation and avoid recurrence of the deviation. Please include the date of any specific action taken to prevent similar deviations in the future. An example of an adequate description of the cause of the deviation and corrective action taken might be: “Black light test on April 2, 2002 revealed ruptured bags in baghouse. New bags installed on April 15, 2002.”

III. Complete Section C, Deviation Summary Report Responsible Official Certification.

According to ss. NR 439.03(10) and (11), and NR 407.09(4)(a)1., Wis. Adm. Code, any document required under an operation permit and submitted to the Department, including reports, shall contain a certification by a responsible official as to the document's truth, accuracy and completeness, and shall state that, based on information and belief formed after reasonable inquiry, the statements and
information in the document are true, accurate and complete. “Responsible official” is defined under s. NR 400.02(136), Wis. Adm. Code.