

ANNUAL COMPLIANCE CERTIFICATION (9400-O)

January 2009

INSTRUCTIONS

Use this form to certify compliance with permit terms and conditions on an annual, or more frequent basis, as required by your Title V permit. Your responsible official must certify the truth, accuracy, and completeness of all information that is submitted in the form (and attachments). The permit will provide you with a mailing address where you should mail this form after it is ready for submittal.

Record Retention

You must retain records, materials, or other support material used in the preparation of this compliance certification for a period of at least 5 years from the date you submit this form to the permitting authority.

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 separately to the permitting authority along with a claim of confidentiality, as governed by 40 CFR part 2, subpart B. Note that the part 2 regulations generally do not allow emissions information or information used for compliance purposes to be granted confidential treatment. Also note that, you also are required to provide a copy of your completed form directly to the EPA.

DETAILED INSTRUCTIONS

Complete Sections *A* and *B* once for each report to identify the permitted source, 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. On the second page, use Sections *C* and *D* to identify the compliance status and the methods (or other means) used to determine compliance with each permit term and condition. You may use this page to describe two such permit terms and conditions. Copy the second page as many times as necessary to cover all permit terms and conditions. On the third page, use Section *E* to report all deviations from permit terms and conditions that occurred during the reporting period. Copy this page as many times as necessary to report on all deviations.

Section A (General Information)

You must complete Sections *A.1.* and *A.2.* once for each compliance certification.

Section A.1. – Enter the permitted facility's official or legal name. Do not use a colloquial or abbreviated name. Enter the complete mailing address for the facility and the name, telephone number, and facsimile number (if desired) for the contact person. The contact person should be a person familiar with the day-to-day operation of the facility, such as a plant site manager or other individual, who should be available to be contacted by the permitting authority. If there is more than one contact person, list the others on an attachment.

Section A.2. – Enter the beginning and ending dates for the reporting period covered by this form. The beginning date shall be assumed to begin and end at midnight local time. Regulation 2.16 requires this reporting period to be at least every 12 months, but in some cases your permit may require certifications more frequently.

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

This section should be completed once and submitted with each set of documents (forms and attachments) that make up the annual compliance certification sent to the permitting authority.

Section B.1. - Federal law requires that title V permit applications and annual compliance certifications be signed by a responsible official. The definition of responsible official can be found 40 CFR section 70.2. Provide the name, title, address, telephone number, and, if desired, the facsimile machine number for the responsible official.

Section B.2. - The responsible official must sign and date the certification of truth, accuracy and completeness. This should be done after all application forms are complete and the responsible official has reviewed the information. Normally this would be the last form completed before the package of forms are mailed to the permitting authority.

Section C (Compliance Status of Each Permit Term and Condition)

Identify each individual permit term and condition. Do so by including a brief description and a cross-reference or citation to each individual permit term and condition, using the numbering system established in the permit. The cross-reference or citation should usually be detailed enough to unambiguously and clearly identify the specific permit term and condition [e.g., Additional Condition 3.a.i. of the permit]. If the permit term and condition is expressed as a numerical limitation or range of values, the description should identify the specific numerical limit or range. The term “individual permit term and condition” used here refers to each unique permit requirement. Permit requirements include emissions limitations, control equipment requirements, work practice standards, monitoring, recordkeeping, and reporting, and any other obligation of the source contained in the permit. Note that you do not have to list a permit term and condition multiple times solely because it applies to multiple emission units, provided that: (1) the permit term and condition applies the same way at all units, (2) it uses the same methods for determining compliance at the 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 and condition applies the same way and the same compliance methods are used to determine compliance, but one unit was in intermittent compliance and the other in continuous compliance, you would need to list the permit term and condition separately for each unit to accurately identify the compliance status of the units.

Note that you must also include a certification for permit terms and condition that were not effective or otherwise did not apply during the reporting period of the compliance certification (e.g., those with future-effective compliance dates, alternative methods of compliance, and alternative scenarios). You may generally 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 for the compliance certification.

In the second column of Section C, specify which emissions unit(s) are subject to the permit term and condition. This is essential because permit terms may apply to all or only certain specific emission units at a source. Thus, similar equipment at a source may be subject to vastly different permit terms and conditions. Provide the emissions unit ID(s) and Emission Point ID(s) to identify the unit(s) and point(s) to which the permit term and condition applies. As provided above, you may often list multiple emissions points for a permit term and condition.

Indicate compliance status for each individual permit term and condition in the column provided by marking either “Intermittent Compliance” or “Continuous Compliance.”

Absent evidence to the contrary, the responsible official for a source that is in compliance according to the monitoring results in the permit may certify “continuous” compliance, provided that the responsible official did not fail to monitor, or report, or collect the minimum data required by the permit; if there were any deviations, these should have been excused by the permit. If any possible exceptions to compliance occurred, the permit would have provided for additional action that shows the underlying requirement that was not violated. Any failure to meet the permit terms or conditions during a period when the permit required compliance would mean that compliance was not continuous, and the responsible official must identify the permit deviation (or possible exception to compliance in the context of part 64) in the certification and certify that compliance was intermittent. If the source’s circumstances are such that the status of compliance with a particular term or condition is undetermined at the time the compliance certification is submitted (such as when the source is awaiting for test results), the responsible official may indicate so in the certification together with the reason, and the date when the source was last found in continuous compliance with the permit term. A responsible official is always free to include any written explanation and other material information that helps clarify the responsible official’s conclusion regarding the compliance status.

In addition, when making a determination of compliance status, § 71.6(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 Act, which prohibits knowingly making 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 “other 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 utilized, 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”).

Section D (Methods Used to Determine Compliance)

Use this section to report the compliance methods (or other means) you used to determine compliance status for each permit term or condition during the reporting period. Compliance methods may include monitoring (instrumental and non-instrumental), recordkeeping, and reporting requirements, test methods, or other methods or means required by the permit, or that constitute material information.

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 cross-reference or citation to the permit terms that require the monitoring (using the numbering system established in the permit). The cross-reference or citation to permit terms must be detailed enough to unambiguously and clearly identify the specific monitoring method. Also, describe the origin and authority of 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 SO₂ concentration using Method 19 CEMS, data collected over last 12 months, as required by Additional Condition 2.a.ii.”

For recordkeeping methods used to determine compliance (whether they constitute noninstrumental 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 cross-reference or citation to the permit terms that require the recordkeeping, or a description of the origin or authority of 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 Additional Condition 3.b.iv.”

For reporting methods used to determine compliance, describe what was reported, the frequency or dates when reporting occurred, and include a cross-reference or citation to the permit terms that require the reporting, or a description of the origin or authority of reporting not required by the permit. An example of an adequate description for reporting methods used to determine compliance 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 6-month monitoring report, required by Additional Condition 4.c.”

Section E (Deviations)

Use this section to summarize all deviations from permit terms and conditions that occurred during the last year (or the reporting period, if less than a year). Such deviations should have been reported previously in-writing in the last two six-month monitoring reports. This should include the six-month monitoring report for the most recent reporting period. 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. Such deviation would not have been contained in any previously submitted six-month monitoring report.

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

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). You must include deviations from permit terms that occur during startup, shutdown, malfunction, and upset conditions (as these terms are defined in the permit), 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. A deviation is not necessarily a violation. Violations will be determined by EPA (or its delegate Agency).

In the first column of the table in section D, cross-reference or cite the permit term and condition for which there is a deviation [e.g., “Additional Condition 3.b.iv.”] and describe the requirement (e.g., “emissions limitation of 6 ppm for NO_x” or “submission of annual compliance certification”). You may cross-reference deviations previously submitted in six-month monitoring reports. Be sure to clearly and unambiguously identify the specific six-month monitoring reporting report (submittal date should suffice) and the specific deviation contained in the report. There may be many equally appropriate ways to cross-reference the specific deviation contained in a six-month 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.

In addition, in the first column, whether you cross-reference deviations or not, you must indicate whether the deviation(s) are “possible exceptions to compliance.” A possible exception to compliance is a deviation that occurs when compliance is required by the permit (e.g., you exceed an emissions limitation during a malfunction and the permit excuses such exceedances). A deviation that is not a possible exception to compliance would be one that occurs when a standard does not require compliance or when compliance is explicitly excused (e.g., you are required to maintain emissions below a certain level during normal operations and you do not). If you indicate that a deviation is not a possible exception to compliance, briefly explain why it is allowed by the permit and cite or cross-reference the relevant permit term and condition that allows it. Note that, different from deviations that are specifically excused or exempted by the permit, deviations for which the permit provides an affirmative defense (e.g., emergencies), must be identified as possible exception to compliance. This is so because only the permitting authority may determine if the affirmative defense applies in any specific case.

You do not have to complete columns 2 through 4 of the table in section D for a particular deviation, if you properly cross-reference the deviation (originating in a 6-month monitoring report) in the first column, and the original six-month monitoring report adequately identified the emissions units, the beginning and ending time periods, and the deviation report submittal date.

In the second column of section D, list the emission unit (Unit ID) and Emission Point ID where this deviation occurred. You may list multiple points here if they all had the same deviation during the same time periods. In addition, for deviations that impose requirements to the permitted facility as a whole or to all units at your facility, you may enter “facility-wide” in the emissions unit column.

In the third column of section D, identify the beginning and ending time periods over which the deviation occurred. Although each 24-hour period of deviation is considered a separate deviation, you may indicate continuous periods of deviation that span multiple days in a single entry. Use the 24-hour clock (equivalent to military time) for reporting these times (e.g., the day starts and ends at midnight, 12 a.m., or 00:00 in military time. Zone means time zone (e.g., EST or EDT).

In the fourth column of section D, specify the date when the written deviation report was submitted to the permitting authority. Leave the date field blank if you did not submit a written deviation report during the reporting period covered by the six-month monitoring report (whether required to do so or not). It is a deviation to neglect to submit a required deviation report (whether required by telephone, fax, or in writing) or to submit such a report later than the deadline specified in the permit. For the purposes of this form, such deviations would be deviations of the permit term and condition requiring deviation reporting. In addition, if a prompt deviation report was made by telephone or fax, consistent with the permit, shortly before the end of a reporting period for the six-month monitoring report, but the permit does not require a written deviation report until after the reporting period for the annual compliance certification, there could be no deviation of the permit term requiring deviation reporting to report on this form.

Lastly, note that any deviations required to be included in this report, that have never been made in-writing (e.g., within a six-month monitoring report), as these obviously cannot be cross-referenced in this form. However, such deviations should be included in this section of the form. For such deviations, more information than indicated by this form will be needed. In such cases, you must include information consistent with Section E (Deviations Not Required to be Reported Previously) of the six-month monitoring report, and indicate whether it is a “possible exception to compliance” (as described above).

LOUISVILLE METRO AIR POLLUTION CONTROL DISTRICT
850 BARRETT AVENUE
LOUISVILLE, KENTUCKY 40204-1745

FORM 9400-O - ANNUAL COMPLIANCE CERTIFICATION

INSTRUCTIONS: There are 3 pages to this form. On this page, complete Sections A and B once with respect to the entire annual compliance certification.

A. GENERAL INFORMATION

1. Identifying Information.

Source or company name _____

Source Street Address _____

City _____ State _____ ZIP _____ - _____

Contact person _____ Title _____

Telephone (_____) _____ - _____ Ext. _____ Title V permit no. _____

2. Reporting Period

The reporting period should be the one-year, or shorter period, required by your Title V permit. It will be assumed that the beginning date begins and ends at Midnight (12 A.M.), unless you specify otherwise.

Period beginning ____/____/____ Period ending ____/____/____

B. CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS

1. Responsible Official. Identify the responsible official and provide contact information.

Name: (Last) _____ (First) _____ (Middle) _____

Title _____

Street or Post Office Box _____

City _____ State _____ ZIP _____ - _____

Telephone (_____) _____ - _____ Ext. _____ Facsimile (_____) _____ - _____

2. Certification of Truth, Accuracy and Completeness.

The Responsible Official must sign this statement after the form is completed for each applicable requirement.

I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in these documents are true, accurate and complete.

Name (signed) _____

Name (printed or typed) _____ Date: ____/____/____

INSTRUCTIONS: Use this page to describe the compliance status of each permit term or condition. This page may be used to provide information on 2 different permit terms or conditions. Copy this page as many times as necessary to cover all permit terms and conditions.

C. COMPLIANCE STATUS OF EACH PERMIT TERM OR CONDITION

Identify (Describe and Cross-reference the Permit Term or Condition)	Unit ID(s) and Emission Point ID(s):	Compliance status during reporting period <input type="checkbox"/> Intermittent Compliance <input type="checkbox"/> Continuous Compliance
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D. METHODS USED TO DETERMINE COMPLIANCE

Describe all methods or means you used to determine compliance with the permit term and condition described in section C.

C. COMPLIANCE STATUS OF EACH PERMIT TERM OR CONDITION

Identify (Describe and Cross-reference) the Permit Term or Condition	Unit ID(s) and Emission Point ID(s):	Compliance status during reporting period <input type="checkbox"/> Intermittent Compliance <input type="checkbox"/> Continuous Compliance
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D. METHODS USED TO DETERMINE COMPLIANCE

Describe all methods or means you used to determine compliance with the permit term and condition described in section C

E. DEVIATIONS FROM PERMIT TERMS AND CONDITIONS

The table below is appropriate for reporting deviations from permit terms or conditions that have been previously reported in a six-month monitoring report (assuming that the most recent six-month monitoring report and the annual compliance certification both end on the same date). Copy this page as many times as necessary to include all such deviations. Note that you may cross-reference deviations already reported in the six-month report in the first column of the table, and leave the other columns blank, however such cross-reference must be clear and unambiguous with respect to the six-month monitoring report and the individual deviation being cross-referenced. In addition, in the first column, whether you cross-reference deviations or not, you must indicate whether each deviation is a "possible exceptions" to compliance." If a deviation is not a possible exception to compliance, please briefly explain why it is allowed by the permit and cite the relevant permit term that provides the excuse. In addition, if there are deviations that have never been reported in writing to the permitting authority, more information than required by this table will be needed. In such cases, you must include information consistent with Section D of the six-month monitoring report form, and indicate whether it is a "possible exception to compliance."

Permit Term for Which There is a Deviation & Whether the Deviation is a "Possible Exception to Compliance"	Emission Units (unit IDs) and Emission Point IDs	Deviation Time Periods Date (mo/day/yr) Time (hr/min) Time Zone	Written Deviation Report Submittal Date (mo/dy/year)
		Beginning ___/___/___ :___:___ Ending ___/___/___ :___:___	___/___/___
		Beginning ___/___/___ :___:___ Ending ___/___/___ :___:___	___/___/___
		Beginning ___/___/___ :___:___ Ending ___/___/___ :___:___	___/___/___
		Beginning ___/___/___ :___:___ Ending ___/___/___ :___:___	___/___/___
		Beginning ___/___/___ :___:___ Ending ___/___/___ :___:___	___/___/___