

TITLE V COMPLIANCE CERTIFICATIONS FREQUENTLY ASKED QUESTIONS (FAQS)

These FAQs have been prepared by the Iowa Department of Natural Resources (DNR) to assist facilities in complying with the Title V Annual Certification requirements found within their facilities' Title V permits. This document is intended solely as guidance and cannot be used to bind the DNR and is not a substitute for reading applicable statutes, rules, and permits.

1) **What should a facility certify compliance with, if they've received a new or modified permit that's not incorporated into the Title V permit yet?**

From General conditions G1 in TV permit: "for those applicable requirements which become effective during the permit term, the facility shall comply with such requirements in a timely manner." 567 IAC 24.108(15)c
Rule of thumb: If underlying requirement changes (because of construction permit, MACT or NSPS rule changes, or other reason), the source should comply with the new requirements. When listing each requirement and whether there have been deviations, it depends on when the new requirement came into effect. If the change happened in the past year, the facility may be certifying compliance with the old permit conditions for the first part of the year. If the change is older and the Title V permit hasn't been updated yet, list the current requirements, but make a note that the condition is different than what's in the current Title V.

2) **What do I report if my facility is subject to requirements that haven't been incorporated into my Title V permit?**

One of the main purposes of the Title V permitting program is to combine all of a facility's applicable requirements in one place. The purpose of the Annual Compliance Certification is to summarize a facility's compliance status with all its applicable requirements over the calendar year. Where there is some disconnect is when the applicable requirements change, and the change hasn't yet been incorporated into the Title V permit. This can happen when new or modified construction permits are issued, when a new MACT standard becomes applicable, when a facility is operating under a variance, or for other reasons. The General Conditions G2 of each Title V permit contain some version of the following statement (emphasis added):

For those applicable requirements which become effective during the permit term, Facility X shall comply with such requirements in a timely manner."

This statement covers situations where there are new or different requirements than those specified in the current Title V permit. Since this permit condition directs facilities to comply with new requirements, a failure to comply with those new requirements would be a Title V permit deviation that must be included in the Annual Compliance Certification. The reverse is also true. If a requirement that was in the original Title V is no longer applicable, due to a permit rescission, modification, or other reason, the facility would no longer be required to certify compliance with that requirement. This position is also supported by the following excerpt from the Title V minor modification rules, found at 567 IAC 24.112:

3) **A facility has not received its original TVOP (it is in regulatory agency review). The facility has submitted their TVOP Application (and is covered by the permit shield). The facility is currently adhering to all permit requirements found in their facility's CP. What Title V reporting requirements is the facility subject to per the Part 70 Title V Program (567 IAC 24.100+)? Annual EIQ reporting? SAM reporting? ACC reporting? Please cite regulatory authority**

Annual EIQ reporting only.

4) **Scenario: A facility has received its original TVOP. The facility's current operations match the requirements in their TVOP. What Title V reporting requirements is the facility subject to per the Part 70 Title V Program (567 IAC 24.100+)? Annual EIQ reporting? SAM**

reporting? ACC reporting? Please cite regulatory authority

Annual EIQ reporting, SAM reporting, and ACC reporting.

- 5) **Scenario: A facility has received its original TVOP. The facility has also modified some existing EU/EP specific requirements (i.e., the requirements currently differ from the latest TVOP). The facility has received a CP, as applicable, to operate these existing EU/EPs and is adhering to the terms and conditions of the CP, as applicable. The facility has also submitted a TVOP update application to incorporate the modifications into the TVOP. What Title V reporting requirements is the facility subject to per the Part 70 Title V Program (567 IAC 24.100+)? Annual EIQ reporting? SAM reporting? ACC reporting? Please cite regulatory authority?**

Annual EIQ reporting, SAM, and ACC reporting that covers all requirements applicable to the facility during the reporting period.

- 6) **If a new EU/EP is present at the facility for which a CP, as applicable, has been approved, but it is not under the umbrella of the TVOP yet, must the facility list these requirements on the ACC Part 3C form and thereby certify compliance with its terms and conditions? If yes, under what authority does this new EU/EP, which is not yet in the TVOP, trigger compliance certification?**

Yes, the requirements must be listed in Part 3C of the ACC. The authority for this is the Title V permit itself, as explained in the answer to question #1.

- 7) **Is a facility required to “certify compliance” with a CP? Under what regulatory authority?**

Some construction permits specifically require certain types of compliance reports. If the requirement is not included in the construction permit, compliance certification would only be required for a facility operating under a Title V permit. If compliance

reporting requirements are included in a construction permit, a facility with a Title V permit would need to comply with both construction permitting and Title V reporting requirements.

- 8) **Is a company expected to “certify” past, interim, and present “compliance” at the time of completing the ACC report? What date (or timeframe) is the company “certifying compliance” when a RO signs an ACC report on 3/31/xx?**

The RO signs the ACC report on Part 1C, and is just certifying that the information in the report is true. Some questions in the report refer to the facility’s current compliance status (as of signature date), while others refer to the reporting period. The reporting period is typically the previous calendar year, but may be a portion of a year for recently issued or renewed Title V permits.

- 9) **On the Part 2M form, the questions states “Did your facility have any monitoring deviations from the TVOP requirements...” What monitoring requirements does this include – the current issued TVOP, the current issued TVOP plus current issued other permits, etc.? Under what regulatory authority?**

This includes all monitoring requirements the facility is currently subject to. The authority for this is the Title V permit itself, as explained in the answer to question #1.

Question c): If a current issued TVOP Part III condition has been superseded and relaxed/removed per a valid more recent CP (for which a Title V Significant Permit Modification has been submitted), then must a facility state they are out of compliance or in compliance with the “old” requirement listed in the current issued TVOP?

No.

- 10) **If a facility is issued a new version of their permit as part of a renewal and some of the TVOP conditions have changed, does the facility have to verify compliance with both**

the old TVOP conditions and the new TVOP conditions. What is the best way to do this?

Yes the facility must verify compliance with all TVOP terms and conditions. The facility has two options when submitting the ACC. The facility can submit one ACC and list both TVOP numbers on it and the ACC must include all the TVOP terms and conditions from the original TVOP and the renewed TVOP. The second option is submitting 2 separate ACC 's. Each ACC will list the separate TVOP number and the dates of during which each TVOP was active.

11) Can I certify compliance with a NESHAP on the ACC or am I required to submit a separate compliance report for the NESHAP?

Yes the facility can certify compliance with a NESHAP in the ACC. However, the requirements are subpart specific and must be reference within the TVOP. The applicable NESHAP requirements must then be listed in Part 3C-1. The DNR recommends a separate NESHAP report.

Acronyms referenced:

ACC	Annual Compliance Certification
ATI	Authorization to Install
AWMA	Air & Waste Management Association
CP	Construction Permit
EIQ	Emissions Inventory Questionnaire
EP	Emission Point
EU	Emission Unit
IDNR	Iowa Department of Natural Resources
PTO	Permit to Operate
RO	Responsible Official
SAM	Semi-Annual Monitoring
TVOP	Title V Operating Permit

Questions? For any additional questions regarding the TV Annual Certification, please contact Mark Fields at 515-343-6589 or Mark.Fields@dnr.iowa.gov