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GUIDANCE FOR ANNUAL COMPLIANCE CERTIFICATION

Chapter 140 of the Department's Regulations and 40 CFR Part 70 require Part 70 sources to submit annual compliance certifications. Part 70 sources are required to make a certification of compliance with all applicable requirements by a responsible official. In addition to annual compliance certifications, Part 70 sources are required to submit certified semiannual reports in accordance with Chapter 140 and certified quarterly reports when required in accordance with Chapter 117 of the Department's Regulations. Following is a guideline to use in preparing the annual compliance certification:

1. Compliance certifications are due annually and represent a 12-month period of operation. The initial annual compliance certification is due 30 days from the end of the calendar year. Please note, the initial annual compliance certification period begins on the date that the Part 70 license is signed. The initial annual compliance certification may represent less than 12 months.
2. The initial semiannual report is due 30 days from June 30 or December 31, whichever is earlier. Initial semiannual reports may include less than the 6-months of operating time under the initial Part 70 license.
3. Calendar quarters end March 31, June 30, September 30, and December 31. For example: a Part 70 license signed May 15 would be required to submit its first semiannual report for the period beginning May 15 and ending June 30. This source's initial annual compliance certification would cover the period beginning May 15 and ending December 31.
4. Compliance certification should be prepared using the conditions under the license Order section, including any license amendments, as an outline. Compliance certifications must include certification for both standard and special conditions. Certification for standard statements is not required.
5. Two copies of the compliance certification should be provided to the Department. One copy should be provided to:

Compliance Supervisor
Maine Dept. of Environmental Protection
BAQ
17 State House Station
Augusta, ME 04333-0017

The second copy should be sent directly to your compliance inspector at your local regional office.



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Standard Condition (13) in the Part 70 license states the following:

- (13) The licensee shall submit a compliance certification to the Department and EPA at least annually, or more frequently if specified in the applicable requirement or by the Department. The compliance certification shall include the following:
- (a) The identification of each term or condition of the Part 70 license that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The method(s) used for determining the compliance status of the source, currently and over the reporting period; and
 - (e) Such other facts as the Department may require to determine the compliance status of the source.

Instructions for Filling Out the Compliance Certification Form

Column (a):

Identify each standard and special condition in the license. [Meets the requirements of Condition (13)(a).]

Column (b)/(c):

Indicate whether the facility is certifying continuous compliance or intermittent compliance with the license condition. Sources are required to indicate intermittent compliance when any license deviations have occurred during the annual certification period. [Meets the requirements of Condition (13)(b) and (13)(c).]

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.

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 for the permit term or condition (that is the basis of the certification) 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.

Responsible officials that used any monitoring method not specified in the permit (regardless of whether the monitoring was performed voluntarily, to comply with a State only requirement, or to track compliance with an



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applicable requirement that is not yet addressed by the permit), would need to identify the method(s), and take the monitoring results into account when determining the compliance status of the term or condition that is the basis of the certification.

Column (d):

Indicate whether compliance is demonstrated by CEMS, COMS, parameter monitoring, stack test, or other (record keeping, inspection, etc. please specify). The method(s) should include any testing and monitoring methods that have been identified as required parameter monitoring.

[Meets the requirements of Condition (13)(d).]

Column (e1):

Provide a summary of the deviations from the license condition when certifying incidents of non-compliance with a license condition. In addition, indicate the percentage (%) of operating time for which the non-compliance occurred or number of deviations that occurred. [Meets the requirements of Condition (13)(e).]

Column (e2):

Describe deviations from the condition in detail or cross-reference a certified quarterly or semiannual report submitted to MEDEP. Provide additional facts as evidence of the compliance status of the source. This shall include any credible evidence beyond required periodic monitoring that indicates non-compliance with the source's license conditions. [Meets the requirements of Condition (13)(e).]

Example Conditions for Fuel Burning Source

(24) Oil Fired Boiler (Non-NSPS boiler)

A. Boiler #1 shall fire only #6 fuel oil with a sulfur content not to exceed 1.0% by weight demonstrated by purchase records from the supplier. [MEDEP Chapter 140, BPT]

B. Emissions from Boiler #1 shall not exceed the following:

Pollutant	lb/MMBtu	Origin and Authority
PM	0.12	MEDEP, Chapter 103, Section 2(B)(1)(a)
PM ₁₀	0.12	MEDEP Chapter 140, BPT
NO _x	0.36	MEDEP Chapter 138

C. Visible emissions from Boiler #1 shall not exceed 30% opacity on a 6-minute block average basis, except for two (2) six (6) minute block averages in a 3-hour block. [MEDEP Chapter 140, BPT]

D. Facility shall operate a continuous emission monitoring system (CEMS) for measuring NO_x emissions from Boiler #1 in accordance with MEDEP Chapter 117. [MEDEP Chapter 117]



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E. Facility shall operate a continuous opacity monitoring system (COMS) for measuring opacity from Boiler #1 in accordance with MEDEP Chapter 117. [MEDEP Chapter 117]

Example Compliance Certification

(a)	(b)/(c)	(d)	(e1)	(e2)
Condition ID (and emission source name if appropriate)	Compliance Status ¹ (Check appropriate box)	Method for determining compliance (Check appropriate box)	Summary of deviations from the condition (e.g. % of operating time or number of deviations.)	Describe deviations ¹ in detail or reference certified report submitted to MEDEP. (Attach additional pages if needed)
24(A)	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input checked="" type="checkbox"/> Other (specify method) Record keeping	None	None
24(B) PM/PM10	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input checked="" type="checkbox"/> Stack Test <input type="checkbox"/> Other (specify method)	None	None
24(B) NOx	<input type="checkbox"/> Continuous Compliance <input checked="" type="checkbox"/> Intermittent Compliance	<input checked="" type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input type="checkbox"/> Other (specify method)	1% of source operating time	See first and second semi-annual reports submitted February 1 and August 1, 2002
24(C) opacity	<input type="checkbox"/> Continuous Compliance <input checked="" type="checkbox"/> Intermittent Compliance	<input checked="" type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input type="checkbox"/> Other (specify method)	1% of source operating time	See first and second semi-annual reports submitted February 1 and August 1, 2002
24(D) NOx CEMS	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input checked="" type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input type="checkbox"/> Other (specify method)	None	None
24(E) opacity COM	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input checked="" type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input type="checkbox"/> Other (specify method)	None	None



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Example Conditions for Process Source

(25) Spray Coating Booth

- A. Particulate matter emissions from the spray paint booth shall be controlled by a fabric filter system. Facility shall perform weekly visual inspections of the fabric filter and maintain a log of the inspections. [MEDEP Chapter 140, BPT]
- B. Visible emissions from the spray paint booth shall not exceed 10% opacity on a six (6) minute block average basis, except for one (1) six (6) minute block average in a one (1) hour period. [MEDEP Chapter 140, BPT]
- C. VOC emissions from the use of paint shall be documented by monthly record keeping indicating the amount of paint used and the VOC content of the finish. [MEDEP Chapter 140, BPT]
- D. Facility shall not exceed a monthly average of 6.0 lb VOC per gallon of paint. [MEDEP Chapter 140, BPT]
- E. Facility shall not exceed a 12-month rolling total VOC limit of 20 tons per year. [MEDEP Chapter 140, BPT]



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Example Compliance Certification

(a)	(b)/(c)	(d)	(e1)	(e2)
Condition ID (and emission source name if appropriate)	Compliance Status ¹ (Check appropriate box)	Method for determining compliance (Check appropriate box)	Summary of deviations from the condition (e.g. % of operating time or number of deviations.)	Describe deviations ¹ in detail or reference certified report submitted to MEDEP. (Attach additional pages if needed)
25(A)	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input checked="" type="checkbox"/> Other (specify method) Inspection/ Record keeping	None	None
25(B)	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input checked="" type="checkbox"/> Other (specify method) Record Keeping	None	None
25(C)	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input checked="" type="checkbox"/> Other (specify method) Record Keeping	None	None
25(D)	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input checked="" type="checkbox"/> Other (specify method) Record Keeping	None	None
25(E)	<input checked="" type="checkbox"/> Continuous Compliance <input type="checkbox"/> Intermittent Compliance	<input type="checkbox"/> CEMS/COMS <input type="checkbox"/> Parameter Monitor <input type="checkbox"/> Stack Test <input checked="" type="checkbox"/> Other (specify method) Record Keeping	None	None