

Georgia Title V Annual Compliance Certification
Common Errors and Questions
(Version: May 18, 2015)

The following information is provided to highlight common errors and to assist permitted facilities in preparation of their Title V Annual Compliance Certification (ACC). The term "certification year" means the year of operations being certified (e.g., the ACC for the 2015 certification year must be submitted by January 30 or February 28, 2016, depending on the date specified in Condition 8.14.1 of the facility's permit).

Common errors seen in past submissions

1. The Title V Annual Compliance Certification is either not signed or dated.

40 CFR 70.5(d) states "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 responsible official must sign and date the certification of truth, accuracy and completeness.

2. A Responsible Official does not sign the Title V Annual Compliance Certification.

Responsible Official means one of the following (40 CFR 70.2):

- For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person 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.
- For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- For a municipality, State, Federal or other public agency: Either a principal executive officer or ranking elected official.

The Environmental Coordinator, Environmental Manager, or Environmental Engineer usually does not meet the definition of "Responsible Official."

3. The Title V Annual Compliance Certification is for the wrong compliance period.

The certification must cover the period from January 1 of the certification year or the effective date of the Title V Permit (shown on the front page of permit) through December 31 of the certification year.

4. The Title V Annual Compliance Certification failed to include deviations (from permit conditions) previously reported to or documented by EPD.

All deviations (excess emissions, exceedances, excursions or noncompliance from any permit condition) that occurred during the reporting period must be included in the annual certification. A facility cannot certify full compliance with all terms and conditions of the Title V Permit if the facility received a Letter of Noncompliance, Notice of Violation, or Consent Order for violations that occurred during the effective period of the Permit, even if the alleged violations have been corrected.

5. The Title V Annual Compliance Certification included the wrong permit number(s) on the certification.

Please review your certification prior to submittal to ensure that the Title V Permit number and any Permit Amendment number(s) are correct.

6. The Title V Annual Compliance Certification was submitted to Georgia EPD, but not submitted to U. S. EPA Region IV.

The Title V Annual Compliance Certification must be submitted to both to Georgia EPD and US EPA Region IV.

Georgia EPD
Air Protection Branch
4244 International Parkway, Suite 120
Atlanta, GA 30354

US EPA Region IV
Air and EPCRA Enforcement Branch
61 Forsyth Street
Atlanta, GA 30303

Note: You may also be required to submit a copy of the certification to an EPD District Office.

7. Failure to “postmark the previous year’s Title V Annual Certification by January 30/February 28” must be reported as a deviation.

Condition 8.14.1 of each Title V Operating Permit requires the annual certification to be postmarked on or before January 30th or February 28th. For example, failure to submit the 2014 Annual Certification by January 30 or February 28, 2015, must be included as a deviation from the requirements of Condition 8.14.1 on the 2015 Annual Certification.

8. The Permittee did not carefully review each and every permit condition before making a determination whether or not the facility was in compliance with all conditions contained in the Title V Permit.

All permit conditions, including those in any permit amendments, must be carefully reviewed prior to certifying the compliance status. Also, the semiannual reports submitted to the Division should be reviewed and amended, if necessary, to reflect any updated information resulting from such review.

9. Keep a record of the date the Title V Annual Compliance Certification was submitted to GA EPD and US EPA Region IV (e.g., certified mail receipt or FedEx tracking documentation).

Condition 8.14.1 of your permit requires the Title V Annual Compliance Certification to be postmarked on or before January 30th or February 28th. EPD strongly advises facilities to maintain documentation of the date the certification was submitted to EPD and US EPA Region IV.

10. The Permittee received a new Title V Permit during the calendar year, but failed to certify the compliance status of the Title V Permit in force prior to the issuance of the new Permit.

For example, Part 70 Operating Permit xxxx-xxx-xxxx-V-02-0 was issued to your Facility on April 1st of the certification year and revokes Part 70 Operating Permit xxxx-xxx-xxxx-V-01-0. You should certify compliance status with Part 70 Operating Permit xxxx-xxx-xxxx-V-01-0 and its amendments for the January 1 – March 31 period and certify compliance status with Part 70 Operating Permit xxxx-xxx-xxxx-V-02-0 and its amendments for the April 1 – December 31 period.