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Certification of Compliance and Deviation Reports

Facilities with Nebraska air quality operating permits and those covered by a permit-by-rule are required to submit an annual Certificate of Compliance in accordance with [Title 129 – Nebraska Air Quality Regulations, Chapter 6](#). Additionally, Title V (Class I) and some Class II facilities are required to submit deviation reports. This guidance document is intended to explain those reporting requirements and provide reporting examples. It is recommended that you thoroughly read your permit to assure compliance with all reporting requirements specific to your facility.

Certification of Compliance Reports

The Certification of Compliance is due on March 31st of each year and covers the reporting period of the previous calendar year, January through December. Title V (Class I) facilities must submit the report to the Nebraska Department of Environment and Energy (NDEE) and to the Environmental Protection Agency's Region VII Office. Class II facilities only need to submit the Certification to NDEE.

The Certification is your assessment, signed by your facility's responsible official, as to whether your facility complied with the terms and conditions of your operating permit. The Certification should include the following information:

- 1) Facility information:
 - a) The facility name and address;
 - b) The facility phone number;
 - c) The facility contact;
 - d) The facility ID number;
 - e) The date of the permit issuance; and
 - f) The reporting period. The initial period that you are required to certify compliance for, after you have been issued your initial permit, is from the date the permit was issued until the end of December of that same year. You are required to certify compliance for the entire preceding calendar year.
- 2) Identify the permit terms and conditions to which your facility is subject, including design provisions; work practice elements; required operating conditions; emission limitations; and monitoring, reporting, and record keeping requirements.
- 3) List the compliance status for each permit term and condition as of the date of the Certification.

- 4) Certify whether compliance was continuous or intermittent.
- a) Any deviation from a permit condition will be considered intermittent compliance. Continuous compliance indicates you didn't have any deviations from your permit conditions during the reporting period. You must include information pertaining to the deviation including the nature and cause of the deviation, the date and time of the occurrence, and the corrective action taken.
 - b) If a facility is utilizing an intermittent compliance monitoring and record keeping method (such as daily or weekly baghouse checks or daily or weekly visible emission observations), they may designate continuous compliance when each such monitoring event demonstrates compliance with the applicable emission limitation, control measure, work practice standard, or operational restriction, and they have no knowledge or information indicating noncompliance during the reporting period.
 - c) If the permit requires a facility to determine compliance with an emission limitation by the use of compliant coatings and/or the use of record keeping and calculations (e.g., the calculation of a daily volume-weighted average VOC content, or calculations of emissions based on a fuel's sulfur content), they may designate continuous compliance when their records and calculations accurately document and substantiate the following:
 - i. The use of nothing but compliant coatings, such that continuous compliance with the relevant emission limitation is actually achieved; or
 - ii. The use of types and amounts of materials such that continuous compliance with the relevant emission limitation is actually achieved.
- 5) Identify the compliance monitoring methods and any other material information used as a means of determining compliance with emission limitations, control measures, work practice standards, or operational restrictions.

A facility is also required to certify to the general conditions of the permit. Certification can be done to each general condition or one statement for all general conditions can be made.

You are required to consider, identify, and address any other material information that may indicate noncompliance with one or more of the applicable requirements of the operating permit even if data obtained from monitoring activities required by the permit indicate compliance.

Deviation Reports

The Deviation Report for a Class I source covers the six-month reporting periods of January through June and July through December. The submittal dates for the reports are:

- March 31st - Report for July through December of the previous year
- September 30th - Report for January through June of the same year

A Deviation Report is the reporting of any deviation from any permit condition or applicable requirement. Deviations are a departure from an indicator range or work practice established for monitoring under this part, consistent with any averaging period specified for averaging the result of the monitoring. Additional information regarding deviations can be found in the "Deviations" Fact Sheet located on the NDEE website at <http://dee.ne.gov/> under Air Quality Publications.

Title V (Class I) facilities are required to complete Deviation reports and submit them to NDEE. Some permits require Class II facilities to also submit deviation reports. For Class II sources, only one deviation report is required. The submittal date is March 31st and it covers the previous calendar year. The reporting requirement is found in the general conditions of the operating permit. All Deviation reports require the following information:

- 1) Facility information:
 - a) The facility name and address;
 - b) The facility phone number;
 - c) The facility contact;
 - d) The facility ID number;
 - e) The date of the permit issuance; and
 - f) The reporting period.
- 2) The permit condition or applicable requirement
- 3) The cause of the deviation,
- 4) The date and time of occurrence, and
- 5) Details of the corrective action(s) taken.

Reporting Format

There are no required reporting forms or formats for those with Class I or Class II permits, so your facility may choose to send in the reports using customized formats, as long as the reports contain all the required information. Each facility is responsible for meeting the terms and conditions of their specific operating permit. You can combine the deviation and certification information, as long as the requirements for each report are fulfilled.

If you need assistance, feel free to contact the NDEE Air Quality Program at (402) 471-2186.

Produced by: Nebraska Department of Environment and Energy, P.O. Box 98922, Lincoln, NE 68509-8922; phone (402) 471-2186. To view this, and other information related to our agency, visit our web site at <http://dee.ne.gov>