



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY

AIR POLLUTION CONTROL ACT COMPLIANCE REVIEW FORM INSTRUCTIONS AND DEFINITIONS

INSTRUCTIONS

1. Submit the completed form to the appropriate Bureau of Air Quality regional office or the approved local air pollution control agency. If a change of ownership is occurring, provide the new owner information on the compliance review form and attach the appropriate PA Operating Permit Change of Ownership forms and associated fees.
2. Information shall be submitted for the period of 5 years prior to the date on which the form is completed.
3. Sections A and B - For corporations, enter the corporate name exactly as it appears in the Articles of Incorporation. For other entities enter the exact legal name(s), and provide documentation.
4. If the applicant or permittee ("applicant") is a corporation, this form must be signed by one corporate officer (a president, vice-president, secretary, or treasurer) authorized to sign this form or by one corporate employee in Pennsylvania with sufficient authority over the activity being permitted to be authorized to sign this form on behalf of the corporation. A corporate seal shall be affixed if required by the state of incorporation. If a seal is not required, it is not necessary and the applicant shall so state.
5. Submission of a large volume of information in response to the inquiries in this form must follow the outline of this form, with tabs placed for each section, pages numbered sequentially and a table of contents.
6. To be complete, all inquiries on the form must have a response. Enter "None" or "Not Applicable" as appropriate for inquiries to which no other response is proper. Additional information and/or documentation may be required during the Department's review to fully evaluate the compliance status or history.
7. Incomplete forms will not be accepted and will be returned. This may delay the processing of your application.

DEFINITIONS

1. **"Department"** shall mean the Pennsylvania Department of Environmental Protection.
2. **"Applicant"** shall mean the applicant or permittee. If the applicant is a corporate entity, all of the corporate divisions and units are included.
3. **"APCA"** shall mean the Air Pollution Control Act and Department regulations and ordinances or regulations by an approved local air pollution control agency.
4. **"Related Parties"** shall be the applicant and any general partner, parent, or subsidiary of the applicant or permittee for a plan approval or operating permit including a general plan approval and general operating permit.
5. **"Documented conduct"** shall mean any activity that occurred at a source owned or operated in Pennsylvania by the applicant, permittee or a related party within 5 years prior to the date of submission of the compliance review form identified by the Department as a violation of the act, the regulations, a plan approval, permit or Department order issued under the act. The term includes, but is not limited to, activities which are described in or the subject of the following:

All Notices of Violation issued by the Department or any other authorized enforcement or regulatory agency in Pennsylvania against the applicant, permittee or related parties;

All administrative orders, civil penalties, permit suspensions or revocations, and civil penalty actions issued by the Department or any other authorized enforcement or regulatory agency in Pennsylvania against the applicant, permittee or related parties concerning the APCA, regulations, terms or conditions of an operating permit or plan approval, or order;

All consent decrees, consent orders and adjudications, consent order and agreements, consent assessments, letter agreements, stipulations or other settlements between the Department or any other authorized enforcement or regulatory agency in Pennsylvania against applicant, permittee or related parties concerning the APCA, regulations, terms or conditions of an operating permit or plan approval, or an order;

All Pennsylvania court proceedings related to the APCA, including proceedings before the Environmental Hearing Board, involving applicant or related parties;

All summary, misdemeanor, or felony convictions, or pleas of guilty or pleas of no contest that have been entered in Pennsylvania against applicant or related parties pursuant to the APCA; and

Any suspension, revocation or denial of re-issuance of any operating permit issued to an applicant or related parties pursuant to the APCA.

6. **"Deviations"** shall mean all activities that occurred at a source owned or operated in Pennsylvania by the applicant, permittee or related party within the 5 years prior to the date of submission of the compliance review form that has not been formally documented by the Department or another authorized enforcement or regulatory agency in Pennsylvania which exceeds applicable emission limits or otherwise did not conform to the act, regulations promulgated thereunder, plan approvals, permits or orders of the Department. The identification of a deviation on a compliance review form does not constitute a waiver of a defense to liability under the law for the activity disclosed. The term includes, but is not limited to, the following:

All unauthorized, accidental releases or emergency releases of air pollutants;

All malfunctions of equipment, the maintenance of which, is necessary to meet plan approval requirements or emission limitations;

All instances of exceedances of permit terms or conditions or regulatory requirements found during routine plant maintenance whether or not the Department is aware of the situation;

All instances of exceedances of permit terms or conditions or regulatory requirements recorded by continuous monitoring equipment; and

All other deviations of the APCA, regulations, terms or conditions of operating permits or plan approvals and Department orders by the applicant or any related party, whether or not these deviations have been documented by the Department or an approved local air pollution control agency.

7. **"Compliance docket"** shall be the list of violations or lack of intention or ability to comply maintained by the Department which identifies sources and facilities for which plan approvals and operating permits cannot be issued based on noncompliance with the act and the regulations adopted under the act.
8. **"Compliance review form"** shall be the form completed by the applicant periodically or as part of the plan approval application or operating permit application in which an applicant submits information about its compliance status and that of related parties including information which is presently unknown to the Department.
9. **"Responsible official"** is an individual who is:

For a corporation: a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or another person who performs similar policy or decision making functions for the corporation, or an authorized representative of the 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 and one of the following applies:

The facility employs more than 250 persons or has gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars).

The delegation of authority to the representative is approved in advance by the Department.

For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

For a municipality, state, federal or other public agency: a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency - for example, a regional administrator of the EPA.

For affected sources:

The designated representative in so far as actions, standards, requirements or prohibitions under Title IV of the Clean Air Act or the regulations thereunder are concerned.

The designated representative for other purposes under 40 CFR Part 70 (relating to operating permit programs).

**PLAN APPROVAL / OPERATING PERMIT
PROCESSING**

The information requested by this form is either: 1) part of a plan approval or operating permit, application, modification, renewal, ownership change, or as otherwise required by the Department or the rules and regulations of the Department to enable the Department to evaluate the applicant's or permittee's history of compliance with the APCA, and to verify current compliance status of the applicant and all related parties as required by Section 7.1 of the APCA and Section 127.12a and 127.412. Upon review of the information provided, the Department may require additional information or copies of documents listed in the form. Failure to provide complete information will result in delays in processing the plan approval or operating permit application; or 2) A biannual submission of compliance history under the provisions of Section 127.12a(j) or Section 127.412(j).