



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).



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AIR POLLUTION CONTROL ACT COMPLIANCE REVIEW FORM

Fully and accurately provide the following information, as specified. Attach additional sheets as necessary.

Type of Compliance Review Form Submittal (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Original Filing | Date of Last Compliance Review Form Filing: |
| <input type="checkbox"/> Amended Filing | ____/____/____ |

Type of Submittal

- | | | |
|---|---|--|
| <input type="checkbox"/> New Plan Approval | <input type="checkbox"/> New Operating Permit | <input type="checkbox"/> Renewal of Operating Permit |
| <input type="checkbox"/> Extension of Plan Approval | <input type="checkbox"/> Change of Ownership | <input type="checkbox"/> Periodic Submission (@ 6 mos) |
| <input type="checkbox"/> Other: _____ | | |

SECTION A. GENERAL APPLICATION INFORMATION

Name of Applicant/Permittee/("applicant")
 (non-corporations-attach documentation of legal name)

Address

Telephone _____ **Taxpayer ID#** _____

Permit, Plan Approval or Application ID#

Identify the form of management under which the applicant conducts its business (check appropriate box)

- | | | |
|--|--|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Syndicate | <input type="checkbox"/> Government Agency |
| <input type="checkbox"/> Municipality | <input type="checkbox"/> Municipal Authority | <input type="checkbox"/> Joint Venture |
| <input type="checkbox"/> Proprietorship | <input type="checkbox"/> Fictitious Name | <input type="checkbox"/> Association |
| <input type="checkbox"/> Public Corporation | <input type="checkbox"/> Partnership | <input type="checkbox"/> Other Type of Business, specify below: |
| <input type="checkbox"/> Private Corporation | <input type="checkbox"/> Limited Partnership | |

Describe below the type(s) of business activities performed.

SECTION B. GENERAL INFORMATION REGARDING "APPLICANT"

If applicant is a corporation or a division or other unit of a corporation, provide the names, principal places of business, state of incorporation, and taxpayer ID numbers of all domestic and foreign parent corporations (including the ultimate parent corporation), and all domestic and foreign subsidiary corporations of the ultimate parent corporation with operations in Pennsylvania. Please include all corporate divisions or units, (whether incorporated or unincorporated) and privately held corporations. (A diagram of corporate relationships may be provided to illustrate corporate relationships.) Attach additional sheets as necessary.

Unit Name	Principal Places of Business	State of Incorporation	Taxpayer ID	Relationship to Applicant

SECTION C. SPECIFIC INFORMATION REGARDING APPLICANT AND ITS "RELATED PARTIES"

Pennsylvania Facilities. List the name and location (mailing address, municipality, county), telephone number, and relationship to applicant (parent, subsidiary or general partner) of applicant and all Related Parties' places of business, and facilities in Pennsylvania. Attach additional sheets as necessary.

Unit Name	Street Address	County and Municipality	Telephone No.	Relationship to Applicant

Provide the names and business addresses of all general partners of the applicant and parent and subsidiary corporations, if any.

Name	Business Address

List the names and business address of persons with overall management responsibility for the process being permitted (i.e. plant manager).

Name	Business Address

Plan Approvals or Operating Permits. List all plan approvals or operating permits issued by the Department or an approved local air pollution control agency under the APCA to the applicant or related parties that are currently in effect or have been in effect at any time 5 years prior to the date on which this form is notarized. This list shall include the plan approval and operating permit numbers, locations, issuance and expiration dates. Attach additional sheets as necessary.

Air Contamination Source	Plan Approval/ Operating Permit#	Location	Issuance Date	Expiration Date

Compliance Background. (Note: Copies of specific documents, if applicable, must be made available to the Department upon its request.) List all documented conduct of violations or enforcement actions identified by the Department pursuant to the APCA, regulations, terms and conditions of an operating permit or plan approval or order by applicant or any related party, using the following format grouped by source and location in reverse chronological order. Attach additional sheets as necessary. See the definition of "documented conduct" for further clarification. Unless specifically directed by the Department, deviations which have been previously reported to the Department in writing, relating to monitoring and reporting, need not be reported.

Date	Location	Plan Approval/ Operating Permit#	Nature of Documented Conduct	Type of Department Action	Status: Litigation Existing/Continuing or Corrected/Date	Dollar Amount Penalty
						\$
						\$
						\$
						\$
						\$
						\$
						\$
						\$
						\$
						\$
						\$
						\$

List all incidents of deviations of the APCA, regulations, terms and conditions of an operating permit or plan approval or order by applicant or any related party, using the following format grouped by source and location in reverse chronological order. This list must include items both currently known and unknown to the Department. Attach additional sheets as necessary. See the definition of "deviations" for further clarification.

Date	Location	Plan Approval/ Operating Permit#	Nature of Deviation	Incident Status: Litigation Existing/Continuing Or Corrected/Date

CONTINUING OBLIGATION. Applicant is under a continuing obligation to update this form using the Compliance Review Supplemental Form if any additional deviations occur between the date of submission and Department action on the application.

VERIFICATION STATEMENT	
<p>Subject to the penalties of Title 18 Pa.C.S. Section 4904 and 35 P.S. Section 4009(b)(2), I verify under penalty of law that I am authorized to make this verification on behalf of the Applicant/Permittee. I further verify that the information contained in this Compliance Review Form is true and complete to the best of my belief formed after reasonable inquiry. I further verify that reasonable procedures are in place to ensure that “documented conduct” and “deviations” as defined in 25 Pa Code Section 121.1 are identified and included in the information set forth in this Compliance Review Form.</p>	
Signature _____	_____ Date
Name (Print or Type)	
Title	