

**Texas Commission on Environmental Quality
Form OP-ACPS-Instructions
Application Compliance Plan and Schedule**

General:

Title 30 Texas Administrative Code § 122.132(d)(4) [30 TAC § 122.132(d)(4)] requires that each permit application contain a Compliance Plan, a Compliance Certification, and, if necessary, a Compliance Schedule. Title 30 TAC § 122.132(d)(8) requires that a Responsible Official certify all submitted application information.

The Compliance Plan [§ 122.132(d)(4)(A)] must contain a specific statement regarding continued compliance with current requirements, and compliance with requirements that may become effective.

- The Compliance Certification [§ 122.132(d)(4)(B)] must contain an indication of the compliance status with respect to all applicable requirements, based on the compliance method specified in the applicable requirements and any other credible evidence or information.
- If required, the Compliance Schedule [§ 122.132(d)(4)(C)] must identify each emission unit and applicable requirement for which non-compliance is ongoing at the time of application. It must also contain the method for assessing compliance status, a description of how the emission units(s) will come into compliance, a compliance schedule with milestones describing steps to be taken to achieve compliance, and a schedule for submission of progress reports.

Form OP-ACPS allows the applicant to fulfill all documentation requirements related to application compliance plans, certifications, and schedules. **This form must be submitted with all initial FOP applications and renewal applications.**

A “Non-compliance Situation” is a situation in which, based on information available to the applicant and belief formed after reasonable inquiry, it *appears* that there is a unit not in compliance with a unit-specific applicable requirement, or that the application area (or site) is not in compliance with an area-wide requirement.

- If the non-compliance situation is on-going at the time of FOP application, it is required to be addressed in Part 2 of this form.
- If the non-compliance situation occurred previously, and has been remedied by the time of FOP application, then it is not required to be addressed on this form.
- Multiple instances of non-compliance for the same emission unit, applicable requirement, and pollutant, such as those documented by continuous emissions monitoring, may be considered part of the same non-compliance situation if the instances are related and have the same underlying cause.

Note that area-wide requirements are those which apply to the entire area addressed by the permit, as opposed to those that apply only to a specific unit or units. These requirements are generally addressed on Form OP-REQ1, Application Area-wide Applicability Determinations, and General Information. If there is only one permit for the site, the application area is the same as the site. (See “Application Area” on Form OP-1.)

The Company Name and Area Name (from Form OP-1, Section I and X, respectively) must appear in the header block of each page for purposes of identification. The date of submittal must also be included, and should be consistent throughout the application (*MM/DD/YYYY*). Any subsequent submittals must show the date of revision. Also, enter the Regulated Entity Reference Number (RNXXXXXXXXXX) and Permit Number (OXXXX).

Specific:*Part 1:*

Part 1 must be submitted with all initial FOP applications and renewal applications.

A. Compliance Plan - Future Activity Committal Statement

This section commits the applicant to a statement of future compliance with existing requirements and with those that will become effective in the future. This section does not require a response.

B. Compliance Certification - Statement for Units in Compliance

1. **Compliance Status:** This paragraph provides a comprehensive means for the applicant to state the compliance status for each emission unit and applicable requirement identified in the application. The assessment of compliance should be based, at minimum, on the appropriate monitoring, testing, recordkeeping, or reporting requirements of the respective regulations, and should be made at the time of application.

- If each emission unit and applicable requirement identified in the application (other than those listed in Part 2 of this form) is in compliance, check the "Yes" box.
- If there are one or more applicable requirements for which an emission unit is not in compliance, and which is not listed in Part 2 of this form, check the "No" box.

2. **Compliance Schedule Content**

- If one or more non-compliance situations (applicable requirements for which an emission unit is not in compliance) are listed in Part 2 of this form, check the "Yes" box.
- If no emission units were required to be listed in Part 2 of this form, check the "No" box.

3. **Compliance Schedule Attachments** (*For Reference Only*)

- If the response to Item B.2 is "Yes," enter the total number of Part 2 attachments included in this submittal.
- If the response to Item B.2 is "No," enter "0" (zero).

Note: If there are any non-compliance situations at a facility applying for a General Operating Permit (GOP), then the facility does not qualify for a GOP and must submit a Site Operating Permit (SOP) application.

Part 2:

A separate Part 2 form must be submitted for each non-compliance situation ongoing at the time of FOP application.

- If a non-compliance situation involves two or more distinct pollutants (e.g., SO₂, PM, NO_x, etc.), then a separate Part 2 form should be submitted for each pollutant, because each pollutant will have its own emission limitation or standard.
- If a non-compliance situation involves two or more emission units, and the non-compliance situation documentation on this form is *identical* for each unit, then multiple units may be listed in Section A.1.
- If there are no non-compliance situations ongoing at the time of application, do not submit Part 2.

A. Compliance Schedule

1. Specific Non-Compliance Situation

Unit/Group/Process ID No.:

- For non-compliance situations involving a unit-specific requirements, enter the Unit/Group/Process ID Number of the unit, group, or process (maximum 10 characters) exactly as listed on Form OP-SUM (Individual Unit Summary) or Form OP-SUMR (Individual Unit Summary for Revisions). **All units/groups/processes appearing on this form must first be identified on Form OP-SUM/SUMR.**
- For non-compliance situations involving area-wide requirements, enter "Sitewide."

SOP Index No.: Site operating permit (SOP) applicants should indicate the SOP index number for the unit or group, or process (maximum 15 characters consisting of numeric, alphanumeric characters, and/or dashes prefixed by a code for the applicable regulation [i.e., 60KB-XXXX]). If the unit/group/process appeared on a unit attribute form, the SOP Index Number must be the same as the one associated with the operating scenario for which the non-compliance situation is occurring. For additional information relating to SOP index numbers, please refer to the TCEQ guidance document entitled "Completing FOP Applications - Additional Guidance"

www.tceq.texas.gov/permitting/air/guidance/titlev/tv_fop_guidance.html

Pollutant: Select one of the following options for the pollutant that is the subject of the applicable requirement. Enter the appropriate code on the form.

- For criteria pollutants:

<u>Code</u>	<u>Description</u>
CO	Carbon monoxide
NO _x	Nitrogen oxides (NO _x)
VOC	Volatile organic compounds
SO ₂	Sulfur dioxide
PB	Lead
PM ₁₀	Particulate matter less than 10 microns
PM	Particulate matter*
OPACITY	Opacity of particulate matter

**Use this pollutant code for any regulatory requirement under any Title 40 Code of Federal Regulations Part 60 [40 CFR Part 60] subpart or Title 30 Texas Administrative Code Chapter 111 [30 TAC Chapter 111], where the standard, as designated by the TCEQ Requirements Reference Tables (RRT) and flowchart, is for particulate matter.*

- For Hazardous Air Pollutants (HAPs): Provide the full name of the pollutant using standard abbreviations if necessary for length. Please avoid using trade names, if possible. (Maximum 25 characters) If multiple hazardous air pollutants are referred to in a general sense within a regulation, the code, "HAPS" may be used instead of the full name of each particular pollutant.

Applicable Requirement

Citation: Enter the citation of the applicable requirement associated with the non-compliance situation. Some examples of citation format are shown in the table below. (This table is not intended to be an exhaustive list.)

Applicable Regulatory Requirement Citation Format	
Regulation	Citation Input Format
30 TAC Chapters 111, 112, 113, 115, and 117	§ 111.XXX(x)(yy)(zz)
	§ 112.XXX(x)(yy)(zz)
	§ 113.XXX(x)(yy)(zz)
	§ 115.XXX(x)(yy)(zz)
	§ 117.XXX(x)(yy)(zz)
Subpart of 40 CFR Part 60, New Source Performance Standards (NSPS)	§ 60.XXXX(x)(yy)(zz)
Subpart of 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants (NESHAP)	§ 61.XX(x)(yy)(zz)
Subpart of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories (a.k.a. Maximum Achievable Control Technology [MACT])	§ 63.XXX(x)(yy)(zz)
Title I Prevention of Significant Deterioration (PSD) Permit [†]	PSD-TX-XXXXXMXX
Merged PSD/State Permit [†]	PSD-TX-XXXXXMXX/NNNNN
Title I Nonattainment Permit Provisions [†]	NNNNN

[†] Title I PSD Permit refers to PSD permits issued before Texas received delegation of the PSD Program. The merged PSD/state permit refers to applicable requirements from permits at sites with PSD permits issued or modified after Texas received delegation of the PSD Program. Title I nonattainment permit refers to applicable requirements from permits at sites that have undergone nonattainment review.

Text Description: Provide a brief summary of the applicable requirement associated with the non-compliance situation. Some examples are given in the table below.

Example Applicable Requirement Text Descriptions	
Applicable Requirement Citation	Example Text Description
30 TAC § 115.211(1)	VOC emissions from the vapor control system vent at a gasoline terminal in a covered attainment county is 0.17 lb per 1000 gallons loaded.
40 CFR § 60.42Da(b)	NSPS Da 6-minute opacity limit is less than or equal to 20%
40 CFR § 60.113b(b)(4)	NSPS Kb requires seal repairs, tank emptied w/in 45 days of seal gap excess
PSD-TX-123M3/99999	Special Provision 2.A limit for SO ₂ of 1.2 lb/MMBtu

2. **Compliance Status Assessment Method and Records Location**

Compliance Status Assessment Method

Citation: Provide the regulatory citation of the method used to assess compliance. (Refer to “Applicable Requirement Citation,” above, for Citation Input Formats)

Description: Provide a brief summary of the method used to assess compliance. Some examples are given in the table below.

Example Compliance Status Assessment Method Text Descriptions	
Compliance Status Assessment Method Citation	Example Text Description
30 TAC § 111.111(a)(1)(F)(ii)	Test Method 9 (40 CFR 60, Appendix A)
40 CFR § 60.334(a)	Continuous monitoring of steam-to-fuel ratio
40 CFR § 60.113b(b)(1)-(3)	Seal gap measurements
PSD-TX-1234M2	Stack test required under Special Provision 6

Location of Records/Documentation: Provide the location where details of any non-compliance situation are documented. Typically, this will refer to records maintained by the applicant, or specific reports submitted on to the TCEQ a specific date.

Examples:

- “CEMS records for 2/8/2006 in first quarter NSPS report”
- “8/11/2005 - 8/18/2005 strip chart readings kept on site”
- “Tank Battery 7/1/2005 measurement records kept on site”
- “Fuel analysis dated 4/4/2006, Environmental Manager's Office, Houston”

3. **Non-Compliance Situation Description:** Provide a *brief* description of the non-compliance situation, including cause(s).

Examples:

- “Exceeded visible emission limit due to baghouse failure”
- “Exceeded SO₂ limit due to inadvertent use of higher sulfur fuel in boiler”
- “Quarterly monitoring of valves by contractor was not completed by deadline”
- “Failed to have proper controls on storage tank”

4. **Corrective Action Plan Description:** Provide a *brief* overview description of the corrective action plan being undertaken to alleviate the non-compliance situation.

Examples:

- “Replace bags in fabric filter”
- “Repair flue gas desulphurization device”
- “Contract for new fugitive monitoring to monitor all missed valves and components”
- “Change tank controls to internal floating roof”

Note: If an enforcement-related compliance plan is already in place, reference it here by date of issuance of the applicable notice of violation or Agreed Order. Include Agreed Order No., if known.

5. **List of Activities/Milestones to Implement Corrective Action Plan:** Provide *specific and complete* list of steps involved in the corrective action plan to achieve compliance. *Completion dates must be included for each step/milestone.* If exact steps have not been determined, specify alternatives. Please do not exceed five steps or milestones. Consolidate steps, if necessary.

6. **Previously Submitted Compliance Plan:** If the non-compliance situation has undergone any type of TCEQ enforcement action, provide the following information:

Type of Action:

- Enter "NOV" if a Notice of Violation has been issued.
- Enter "Order" if an enforcement order has been issued.
- Otherwise, enter "N/A."

Date Submitted: Provide the date of issuance of the NOV or enforcement order, if any. If none, enter "N/A."

7. **Progress Report Submission Schedule:** 40 CFR Part 70 requires that, beginning after the FOP is issued, progress reports on each non-compliance situation must be submitted no less frequently than every six months until the corrective actions are complete or compliance is achieved. The TCEQ reserves the right to require progress reports at more frequent intervals.

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Date:	Regulated Entity No.:	Permit No.:
Company Name:		Area Name:

- Part 1 of this form must be submitted with all initial FOP applications and renewal applications.
- The Responsible Official must use Form OP-CRO1 (Certification by Responsible Official) to certify information contained in this form in accordance with 30 TAC § 122.132(d)(8).

Part 1

A. Compliance Plan — Future Activity Committal Statement	
<p>The <i>Responsible Official</i> commits, utilizing reasonable effort, to the following: As the responsible official it is my intent that all emission units shall continue to be in compliance with all applicable requirements they are currently in compliance with, and all emission units shall be in compliance by the compliance dates with any applicable requirements that become effective during the permit term.</p>	
B. Compliance Certification - Statement for Units in Compliance* (Indicate response by entering an "X" in the appropriate column)	
<p>1. With the exception of those emission units listed in the Compliance Schedule section of this form (Part 2, below), and based, at minimum, on the compliance method specified in the associated applicable requirements, are all emission units addressed in this application in compliance with all their respective applicable requirements as identified in this application?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>2. Are there any non-compliance situations addressed in the Compliance Schedule Section of this form (Part 2)?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>3. If the response to Item B.2, above, is "Yes," indicate the total number of Part 2 attachments included in this submittal. <i>(For reference only)</i></p>	
<p>* For Site Operating Permits (SOPs), the complete application should be consulted for applicable requirements and their corresponding emission units when assessing compliance status. For General Operating Permits (GOPs), the application documentation, particularly Form OP-REQ1 should be consulted as well as the requirements contained in the appropriate General Permits portion of 30 TAC Chapter 122.</p> <p>Compliance should be assessed based, at a minimum, on the required monitoring, testing, record keeping, and/or reporting requirements, as appropriate, associated with the applicable requirement in question.</p>	

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Date:	Regulated Entity No.:	Permit No.:
Company Name:		Area Name:

Part 2

A. Compliance Schedule		
<p>If there are non-compliance situations ongoing at time of application, then complete a separate OP-ACPS Part 2 for each separate non-compliance situation. <i>(See form instruction for details.)</i> If there are no non-compliance situations ongoing at time of application, then this section is not required to be completed.</p>		
1. Specific Non-Compliance Situation		
Unit/Group/Process ID No.(s):		
SOP Index No.:		
Pollutant:		
Applicable Requirement		
Citation	Text Description	
2. Compliance Status Assessment Method and Records Location		
Citation	Text Description	Location of Records/Documentation
3. Non-compliance Situation Description		
4. Corrective Action Plan Description		
5. List of Activities/Milestones to Implement the Corrective Action Plan		

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Date:	Regulated Entity No.:	Permit No.:
Company Name:		Area Name:

Part 2 (continued)

6. Previously Submitted Compliance Plan(s)	
Type of Action	Date Submitted
7. Progress Report Submission Schedule	