

Completing a Schedule of Compliance in Appendix 2 of an ROP

Ask the question, **"Is the source not in compliance with ANY applicable requirements, whether or not there is a consent order/ consent judgment (CO/CJ)?"** Complete Appendix 2 accordingly.

A. If the source is in compliance with ALL applicable requirements in the ROP

Delete the first option and use the second option from the ROP Shell, which is the paragraph that says that a schedule of compliance is not required. This includes those situations where a source has a CO/CJ for a previous violation that has been resolved. However, if there are conditions in that CO/CJ that need to be included in the ROP (e.g., additional recordkeeping and reporting requirements beyond what is in a related PTI), make sure to add those to the appropriate Source-Wide/EU/FG pages.

B. If there are any applicable requirements for which the source is not in compliance

1. List the specific applicable requirements in the first sentence of the first paragraph (e.g., FGBOILERS – SC III.1, IV.2, IV.4, V.1). If the source has not obtained a necessary Permit to Install (PTI), provide the Source-Wide/EU/FG ID followed by “installed without PTI.”
2. Proceed to the Compliance Plan.
 - a. Include any narrative details that are necessary to supplement the information to be provided in the Schedule of Compliance table.

For example: “The permittee has certified that this source is in compliance with all applicable requirements at the time of issuance of this ROP except for the following: Table FGBOILERS, (SC III.1, IV.2, IV.4, V.1). {Company Name} is required to operate a continuous emission monitor system (CEMS) to monitor nitrogen oxide pollutants on EUBOILER1 and EUBOILER2 (natural gas fired boilers) that are used for process steam and heating purposes. {Company Name} has failed to complete the initial certification of the CEMS, failed to submit a 30-day compliance nitrogen oxides test, and has had excessively high CEMS downtime with respect to the total source operating time.”

- b. Complete the Schedule of Compliance table by answering the following questions:
 - **What condition of the permit is not being complied with?** Provide the appropriate Source-Wide/EU/FG ID(s) followed by the actual AR citation(s) (e.g., EUBOILER1 – SC I.1, SOURCEWIDE – SC II.2, FGDEGREASERS – SC III.3). If the violation is that the source did not obtain a necessary PTI, enter “installed without PTI.”
 - **What specific requirements are being "violated"?** Provide all of the underlying applicable requirement(s) (e.g., Rule 201(1), NESHAPS YYY, NSPS Db).
 - **What will be the remedy?** Describe how the source will be brought into compliance. (See example below.)
 - **How will the source get there?** Describe the steps necessary to meet the remedial measure. (See example below.)
 - **When will they be done?** Provide the individual deadlines for each required action. (See example below.)
 - **How will they keep AQD informed?** Provide the deadlines for submission of required reports. Establish deadlines that are consistent with, and cannot be interpreted to override, the ROP semiannual and annual certification report schedules (i.e., make sure that other reporting requirements do not appear to provide for less frequent reporting of the existing compliance certification requirements).

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c. Handling of Consent Order/ Consent Judgments (CO/CJ)

- If the source has a CO/CJ with a schedule of increments to bring the source into future compliance with an existing applicable requirement, provide the key steps in the ROP's Schedule of Compliance. (See example below.)
- If a CO/CJ has not been finalized, a case-by-case decision must be made on what to include.
 - Usually, language should be included that specifies that the source must apply for a revision to the ROP within a certain number of days after a CO/CJ is entered, rather than including more specific provisions. The revision may require an amendment or a modification, with the associated application deadlines, depending on the kinds of provisions expected to be included in the CO/CJ.
 - In cases where the source has resisted agreement to a CO for a long-standing violation, or where management otherwise deems it appropriate, the remedial measure can specify that the source must enter a legally binding administrative consent order agreement by a specified date.
 - If there is new enforcement action for violation(s) of applicable requirements at this source, you may list the steps that the Enforcement Unit agrees are appropriate to require for the source to reach compliance if management deems it appropriate.

Where a condition of the Schedule of Compliance should remain in effect after a CO/CJ is terminated, be sure to include the other appropriate citation(s) in the "Applicable Requirements" column of the table.

Remember, these will be draft conditions and the source will have the option to propose alternative language if desired. It is very possible that the source will not want any of the alternatives, but the ROP must include this Appendix.

Keep the remaining paragraphs up to {OR} and delete the rest of the ROP shell template language for Appendix 2.

Three examples are provided below.

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EXAMPLES

EXAMPLE 1

Schedule of Compliance

The permittee certified in the ROP application that this stationary source is in compliance with all applicable requirements except for the following: R 336.1201(1). EUCUPOLA_B, EUCUPOLA_C, and FGMOLDSYSTEM were installed and operated without the necessary Permit to Install (PTI).

A Schedule of Compliance for any applicable requirements that the permittee is not in compliance with at the time of ROP issuance is supplemental to, and shall not sanction non-compliance with, the underlying applicable requirements on which it is based.

The permittee shall adhere to this schedule of compliance and submit the required certified progress reports accordingly.

The following schedule of compliance conforms to the provisions of Rule 119(a) and Rule 213(4).

Emission Unit/ Flexible Group ID and Condition No.	Applicable Requirement(s)	Remedial Measure	Required Action	Milestone Date	Progress Report Deadline
EUCUPOLA_B EUCUPOLA_C FGMOLDSYSTEM - installed without PTI	Rule 201(1)	Obtain Permit to Install and Revise ROP.	Co. shall submit acceptable plans and specifications (AQD No. XX-2011 Paragraph 10.A)	June 30, 2011	May 30, 2011
			Co. shall provide all additional information requested by AQD to process the pending PTI application (AQD No. XX-2011 Paragraph 10.B)	Within thirty (30) calendar days of a written request from the AQD.	July 30, 2011
			Company shall submit in writing an acceptance of all terms and conditions of the draft permit to the AQD Permit Section Supervisor. (AQD No. XX-2011 Paragraph 10.C)	Within thirty (30) calendar days after receipt of the draft revised PTI permit conditions.	August 30, 2011
			Company shall submit application to modify the ROP in accordance with the requirements of R 336.1216.	Within seven (7) calendar days of the effective date of the PTI.	

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Emission Unit/ Flexible Group ID and Condition No.	Applicable Requirement(s)	Remedial Measure	Required Action	Milestone Date	Progress Report Deadline
EUCUPOLA_B, VI.2 EUCUPOLA_C, VI.2 FGMOLDSYSTEM, VI.2	Rule 213(3)	Maintain adequate recordkeeping	Company shall keep records on the processes in accordance with attached Exhibits A and B. These records shall be made available to EGLE upon written or verbal request. (AQD No. XX-2011, Paragraph 11).	NA	NA
FGMISTELIM	R 336.1201	Obtain Permit to Install or provide justification for exemption for permit exemption status for FGMISTELIM	Company shall submit Permit to Install application or sufficient documentation to justify exemption from permit to install requirement.	March 15, 2011	
			Company shall provide all additional information requested to process the pending PTI permit application or permit exemption status.	Within thirty (30) calendar days of a written request from the AQD.	
			Company shall submit in writing an acceptance of all terms and conditions of the draft permit, if applicable, to the AQD Permit Section Supervisor.	Within thirty (30) calendar days after receipt of the draft revised PTI permit conditions	
			If a PTI is required, company shall submit application to modify the ROP in accordance with the requirements of R 336.1216.	Within seven (7) calendar days of the effective date of the PTI.	

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EXAMPLE 2

Schedule of Compliance

Emission Unit/ Flexible Group ID & Condition No.	Applicable Requirement(s)	Remedial Measures	Required Action	Milestone Date	Progress Report Deadline
Source-Wide – GC 12	R 336.1901	Installation and operation of ambient air particulate sampler for the purpose of self-monitoring and not for demonstrating compliance with NAAQS. Evaluate operations and initiate corrective actions if particulate fallout samples indicate excessive fallout.	After three (3) months of monitor operation and sample analysis, permittee shall submit a report detailing results and a plan describing additional remedial actions to be taken in relation to sample results.	October 1, 2010	Quarterly progress reports to be submitted until 1/1/2012. Thereafter, the requirement to submit quarterly progress reports may be terminated upon demonstration by the facility that the fallout problem has been resolved, with concurrence of AQD. Reports shall detail on-going actions taken to resolve particulate fallout. Report due January 1, 2011 and every quarter thereafter.

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EXAMPLE 3

... in compliance except for the following: R 336.1201(3), R 336.1702(a)...

Schedule of Compliance

Emission Unit/ Flexible Group ID and Condition No	Applicable Requirement(s)	Remedial Measures	Required Action	Milestone Date	Progress Report Deadline
EGCOREFAB Special Condition I.1.a Special Condition I.1.b Special Condition II.1 Special Condition VI.1	R 336.1201(3) R 336.1702(a)	Modification to Permit to Install MI-PTI-SRN-2010 for increase of stack diameter, increase in VOC limit & removal of requirement to use specific product in process.	<p>An application requesting modification of Permit to Install No. MI-PTI-SRN-2010 will be submitted by this date. It will contain all appropriate impacts and limit calculations.</p> <p>The first day of every month until the Permit to Install modification is issued, a written report shall be submitted explaining what stage the permit development is in. All information requests from the AQD, regarding permit development, shall be promptly responded to within the stipulated time frame.</p> <p>If a permit to install is not issued by this date, a compliance plan with a timeline must be submitted describing what alternate actions will be taken to come into compliance with the existing permit.</p>	<p>December 1, 2010</p> <p>August 1, 2010</p> <p>December 1, 2010</p>	First of every month