

FRV – HPV Determination Checklist (Complete for ALL Violations at TV and SNTV Facilities)

Part 1 General Information

Facility Name:	Current Permit(s) #:
Facility ID:	Violation Discovered Date:
TV/SNTV:	Initiating/Discovery Action:
Violation Description (include specific permit condition(s), federal and/or state rule(s) violated):	

Part 2 Federally Reportable Violation (FRV) Determination

- ☐ NOT FRV because it is not a violation of federally enforceable requirements. Comments:

- ☐ FRV because it is a violation of federally enforceable CAA requirements (NSPS, NESHAP, MACT, NSR, PSD, Title V, or EPA approved *SIP) at an applicable source based on the criteria identified below.

*SIP Approved Rules as defined in [40 CFR 52 Subpart K](#): 62-204, 62-210, 62-212, 62-256, 62-296 (except 62- 296.416-417), and 62-297, F.A.C.

Emissions violation

- ☐ Emission limitation
- ☐ Emission standard
- ☐ Surrogate parameter

Procedural violation

Failure to maintain report(s) and underlying record(s) for...

- ☐ CEMS report
- ☐ Continuous parameter monitoring report
- ☐ Malfunction report
- ☐ Excess emissions report
- ☐ Semi-annual monitoring report
- ☐ Other periodic monitoring report

Failure to...

- ☐ Timely test (performance test, conduct valid monitoring, etc.) or conduct valid monitoring
- ☐ Timely report (annual compliance certifications, compliance tests, etc.)
- ☐ Construct, install or operate facility/equipment (CEMs, other monitoring equipment, etc.)
- ☐ Obtain or maintain a permit

Violation of...

- ☐ Work practice
- ☐ Consent decree, court order or administrative order (cite in comments)

Comments/Attachments (any clarifying information not provided in Part 1 that supports determination):

Part 3 High Priority Violation (HPV) Determination (requires consultation with DARM)

Is the FRV also an HPV? ☐ No ☐ Yes (indicate appropriate Criterion below)

- ☐ Criterion 1 - Failure to obtain PSD permit/install BACT, an NSR permit/install LAER or obtain offsets, and/or a permit for major modification of either. This criterion includes a violation by a synthetic minor stationary source of an emission limit or permit condition such that the source's actual annual emissions exceed (or are expected to exceed) the major stationary source threshold as defined in the applicable NSR regulations.
- ☐ Criterion 2 - A violation of any federally enforceable emission limitation, emission standard or operating parameter, which is a surrogate for emissions, that was issued pursuant to CAA Title I, Part C (Prevention of Significant Deterioration of Air Quality [PSD]) or Part D (Requirements for Nonattainment Areas), or the equivalent provision(s) in an EPA-approved State Implementation Plan (SIP) that continued (or is expected to continue) for seven days (168 hours). EPA presumes the violation is continuing unless sufficient evidence illustrates otherwise, and that the violation is unlikely to recur. This criterion includes violations that, while not necessarily continuous for 168 hours, may recur (or recurred) regularly or intermittently for at least seven days.
- ☐ Criterion 3 – NSPS - A violation of any emission limitation, emission standard or operating parameter, which is a surrogate for emissions, in an applicable Standards of Performance for New Sources (NSPS) (Part 60) or in an analogous regulation adopted by state, local, tribal or territorial authorities and the EPA has granted delegation to enforce such regulations in lieu of the NSPS where such violation continued (or is expected to continue) for at least seven days. This criterion includes violations that, while not necessarily continuous for 168 hours, recur (or recurred) regularly or intermittently for at least seven days. The EPA presumes that the violation is continuing unless the enforcement agency can document sufficient evidence to conclude that the violation is no longer ongoing and is unlikely to recur.
- ☐ Criterion 4 – NESHAP - A violation of any emission limitation, standard or surrogate parameter (emission or operating) of an applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) (Parts 61 or 63) or in an analogous regulation adopted by state, local, tribal or territorial authorities and EPA has granted delegation to enforce such regulations in lieu of the NESHAP where such violation continued (or is expected to continue) for at least seven days. This criterion includes violations that, while not necessarily continuous for 168 hours, recur (or recurred) regularly or intermittently for at least seven days. The EPA presumes that the violation is continuing unless the enforcement agency can document sufficient evidence to conclude that the violation is no longer ongoing and is unlikely to recur.
- ☐ Criterion 5 - A violation that involves federally enforceable work practices, testing requirements, monitoring requirements, recordkeeping or reporting that substantially interferes with enforcement of a requirement or a determination of the source's compliance. The determination of what is substantial shall be part of a case-by-case analysis/discussion between the EPA Region and the enforcement agency.
- ☐ Criterion 6 - Any other violations specifically identified and communicated to enforcement agencies from time to time by the Director, Air Enforcement Division (AED), U.S. EPA (general applicability) or as mutually agreed upon between the enforcement agency and corresponding EPA Region (case-by-case). For example, an enforcement agency believes an emission violation warrants designation as an HPV even though the violation lasted (or will last) for less than seven days.

Comments/Attachments (any clarifying information not provided in Part 1 that supports determination):