

**AIR QUALITY DIVISION
 OKLAHOMA DEPARTMENT OF
 ENVIRONMENTAL QUALITY
 P. O. BOX 1677
 OKLAHOMA CITY, OK 73101-1677**

**ATTN: Mr. Eddie Terrill, Director
 c/o: Voluntary Self-reporting Coordinator**



**O K L A H O M A
 DEPARTMENT OF ENVIRONMENTAL QUALITY**

...for a clean, attractive, prosperous Oklahoma

**VOLUNTARY DISCLOSURE / SELF-REPORTING
 OF NONCOMPLIANCE**

NOTE: The following information is hereby voluntarily disclosed/self-reported pursuant to and in accordance with OAC 252:4-9-5(a) & (b), which sets forth the conditions under which the DEQ either (a) will not seek, or (b) will mitigate an administrative or civil penalty when addressing self-reported violations. In order to receive full penalty mitigation, full disclosure of each violation is required. This form represents the minimum information that is required by the Division to begin a penalty mitigation assessment. The AQD will utilize the EPA's BEN model to determine the economic benefit realized due to the violation(s), if any, for any High Priority or Level 1 violation.

FACILITY INFORMATION

COMPANY NAME				
FACILITY NAME				
MAILING ADDRESS				
CITY	State		Zip	
STREET ADDRESS (i.e., PHYSICAL LOCATION)				
CITY	State		Zip	
CONTACT PERSON	Title		Phone	
	Fax #		E-mail	

APPLICABLE AIR QUALITY PERMIT NUMBER(S)/DATE ISSUED	
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Has the facility or the company received one or more Notices of Violation (NOVs) or Alternative Enforcement Options from the Air Quality Division within the last three (3) years? If yes, provide the facility name and include details of each action (NOV# and violation description).	
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DESCRIPTION OF NONCOMPLIANCE

NOTE: Attach supplemental information as necessary. List any additional noncompliance items on copies of the "Additional Disclosures" table, Pages 4 & 5 of this form.

Noncompliance Issue Number:	(1)
Provide a comprehensive description of the violation including the quantity of excess emissions, if applicable (attach calculations):	
Permit Number or Rule violated:¹	
Pollutant(s) involved with this self-disclosure and facility source classification for each pollutant involved.	<input type="checkbox"/> PSD _____ <input type="checkbox"/> Title V _____ <input type="checkbox"/> Synthetic Minor _____ <input type="checkbox"/> True Minor _____
Permit Limit, or if not limited by a federally enforceable requirement, the Potential to Emit for the pollutant of concern (attach copy of permit or PTE calculations)	
The date that the violation was discovered:	
Describe how the violation was discovered:	
Date the violation began and the date that the violation was corrected or will be corrected:	
Reason for Noncompliance:	
Actions taken or actions planned (including dates) to correct and prevent recurrence of the violation:	

¹ Identify Permit Number (include Specific Condition/Standard Condition Number) and/or Regulatory Citation (including section, subsection, paragraph, subparagraph, etc., as applicable). Attach copies of the relevant permit or rule.

OAC 252:4-9-5(a) Conditions for not seeking administrative and civil penalties. Except in the case of habitual noncompliance or as otherwise provided in this section, in evaluating an enforcement action for a regulated entity's failure to comply with DEQ rules, the DEQ will not seek an administrative or civil penalty when the following circumstances are present:

(Indicate whether or not each circumstance is applicable and provide an explanation.)

	Applicable		Circumstances
(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity voluntarily, promptly, and fully discloses the apparent failure to comply with applicable state environmental statutes or rules to the appropriate DEQ Division <i>in writing</i> before the Division learns of it or is likely to learn of it imminently. If yes, provide an explanation including the date of the last air quality inspection, the date the company or facility was last contacted by the Division about the facility, the date or dates that any required reports were due (including annual compliance certifications, semi-annual monitoring reports, excess emission reports, NSPS initial notifications, NSPS notification of intent to conduct a performance test or initial tank seal inspection, etc.)

Explanation:

(2)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The failure was not deliberate or intentional.
Explanation:			
(3)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The failure does not indicate a lack or reasonable question of the basic good faith attempt to understand and comply with applicable state environmental statutes or rules through environmental management systems appropriate to the size and nature of the activities of the regulated entity.
Explanation:			
(4)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity, upon discovery, took or began to take immediate and reasonable action to correct the failure (<i>i.e.</i> , to cease any continuing or repeated violation).
Explanation:			
(5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity has taken, or has agreed in writing with the appropriate Division to take, remedial action as may be necessary to prevent recurrence of such failure. Any action the regulated entity agrees to take must be completed.
Explanation:			
(6)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity has addressed, or has agreed in writing with the appropriate Division to address, any environmental impacts of the failure in an acceptable manner.
Explanation:			
(7)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity has not realized and will not realize a demonstrable and significant economic or competitive advantage as a result of the non-compliance.
Explanation:			
(8)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity cooperates with the DEQ as the DEQ performs its duties and provides such information as the DEQ reasonably requests to confirm the entity's compliance with these conditions.
Explanation:			
I certify, based on information and belief formed after reasonable inquiry, the statements and information contained in this notification are true, accurate, and complete.			
Responsible Official or Designee Signature			
Responsible Official or Designee Name (typed or printed)		Date	
Responsible Official or Designee Title (typed or printed)		Phone	

ADDITIONAL DISCLOSURES

NOTE: Complete one copy of this table for each additional noncompliance item. Attach supplemental information as necessary.

Noncompliance Issue Number:	
Provide a comprehensive description of the violation including the quantity of excess emissions, if applicable (attach calculations):	
Permit Number or Rule violated: ¹	
Pollutant(s) involved with this self-disclosure and facility source classification for each pollutant involved.	<input type="checkbox"/> PSD _____ <input type="checkbox"/> Title V _____ <input type="checkbox"/> Synthetic Minor _____ <input type="checkbox"/> True Minor _____
Permit Limit, or if not limited by a federally enforceable requirement, the Potential to Emit for the pollutant of concern (attach copy of permit or PTE calculations)	
The date that the violation was discovered:	
Describe how the violation was discovered:	
Date the violation began and the date that the violation was corrected or will be corrected:	
Reason for Noncompliance:	
Actions taken or actions planned (including dates) to correct and prevent recurrence of the violation:	

¹ Identify Permit Number (include Specific Condition/Standard Condition Number) and/or Regulatory Citation (including section, subsection, paragraph, subparagraph, etc., as applicable). Attach copies of the relevant permit or rule.

OAC 252:4-9-5(a) Conditions for not seeking administrative and civil penalties. Except in the case of habitual noncompliance or as otherwise provided in this section, in evaluating an enforcement action for a regulated entity's failure to comply with DEQ rules, the DEQ will not seek an administrative or civil penalty when the following circumstances are present:

Indicate whether or not each circumstance is applicable and provide an explanation.

		Applicable	Circumstances
(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity voluntarily, promptly, and fully discloses the apparent failure to comply with applicable state environmental statutes or rules to the appropriate DEQ Division <i>in writing</i> before the Division learns of it or is likely to learn of it imminently. If yes, provide an explanation including the date of the last air quality inspection, the date the company or facility was last contacted by the Division about the facility, the date or dates that any required reports were due (including annual compliance certifications, semi-annual monitoring reports, excess emission reports, NSPS initial notifications, NSPS notification of intent to conduct a performance test or initial tank seal inspection, etc.)
Explanation:			
(2)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The failure was not deliberate or intentional.
Explanation:			
(3)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The failure does not indicate a lack or reasonable question of the basic good faith attempt to understand and comply with applicable state environmental statutes or rules through environmental management systems appropriate to the size and nature of the activities of the regulated entity.
Explanation:			
(4)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity, upon discovery, took or began to take immediate and reasonable action to correct the failure (<i>i.e.</i> , to cease any continuing or repeated violation).
Explanation:			
(5)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity has taken, or has agreed in writing with the appropriate Division to take, remedial action as may be necessary to prevent recurrence of such failure. Any action the regulated entity agrees to take must be completed.
Explanation:			
(6)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity has addressed, or has agreed in writing with the appropriate Division to address, any environmental impacts of the failure in an acceptable manner.
Explanation:			
(7)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity has not realized and will not realize a demonstrable and significant economic or competitive advantage as a result of the non-compliance.
Explanation:			
(8)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	The regulated entity cooperates with the DEQ as the DEQ performs its duties and provides such information as the DEQ reasonably requests to confirm the entity's compliance with these conditions.
Explanation:			

252:4-9-5. Considerations for self-reporting of noncompliance

(a) Conditions for not seeking administrative and civil penalties.

Except in the case of habitual noncompliance or as otherwise provided in this section, in evaluating an enforcement action for a regulated entity's failure to comply with DEQ rules, the DEQ will not seek an administrative or civil penalty when the following circumstances are present:

- (1) The regulated entity voluntarily, promptly, and fully discloses the apparent failure to comply with applicable state environmental statutes or rules to the appropriate DEQ Division in writing before the Division learns of it or is likely to learn of it imminently;
 - (2) The failure is not deliberate or intentional;
 - (3) The failure does not indicate a lack or reasonable question of the basic good faith attempt to understand and comply with applicable state environmental statutes or rules through environmental management systems appropriate to the size and nature of the activities of the regulated entity;
 - (4) The regulated entity, upon discovery, took or began to take immediate and reasonable action to correct the failure (i.e., to cease any continuing or repeated violation);
 - (5) The regulated entity has taken, or has agreed in writing with the appropriate Division to take, remedial action as may be necessary to prevent recurrence of such failure. Any action the regulated entity agrees to take must be completed;
 - (6) The regulated entity has addressed, or has agreed in writing with the appropriate Division to address, any environmental impacts of the failure in an acceptable manner;
 - (7) The regulated entity has not realized and will not realize a demonstrable and significant economic or competitive advantage as a result of non-compliance;
- and
- (8) The regulated entity cooperates with the DEQ as the DEQ performs its duties and provides such information as the DEQ reasonably requests to confirm the entity's compliance with these conditions.

(b) Partial qualification. Notwithstanding the failure of a regulated entity to meet all of the conditions in subsection (a) of this section, the DEQ will consider the nature and extent of such actions of the regulated entity in mitigation of any administrative or civil penalty otherwise appropriate. If the regulated entity meets all conditions in subsection (a) of this section except item seven (7) relating to significant economic or competitive advantage, the DEQ will seek an administrative or civil penalty only to the extent of the economic or competitive advantage gained.

(c) Relationship to federal/state agreements. In the event of any conflict, the elimination or mitigation of penalties pursuant to subsections (a) and (b) of this section is subject to agreements between the DEQ and the United States Environmental Protection Agency (USEPA) relating to regulatory program delegation or authorization from the USEPA to the DEQ.

(d) Applicability. This section applies to all enforcement cases arising from violations discovered by or brought to the attention of the DEQ after June 2, 1997.