“Reasonable Inquiry” requirements for Responsible Official (RO) signing the Title V Compliance Certifications.

Federal and State rule require that the responsible official (RO) signing the Title V annual compliance certification certify its accuracy based upon information and belief formed after “reasonable inquiry.” EPA has issued guidance highlighting that “reasonable inquiry” includes identifying the methods and any other material information used to determine compliance status of each permit term and condition in the Title V operating permit.

Is your facility Responsible Official (RO) aware of the due-diligence requirements to ensure that the information that they are certifying is correct? Can the facility demonstrate methods used that qualify as “reasonable inquiry”?

We find that many facilities do not have a systematic, transparent, and verifiable check process in place. These facilities are taken by surprise when regulators take the “show me” approach to verify if reasonable inquiry was undertaken before signing the compliance certifications. It should be the responsibility, and a prudent practice, for the EHS Manager to document that a comprehensive and vigorous program is in place to determine accuracy of the Title V annual compliance certification.

Additionally, facilities that claim 100% compliance on a regular basis may be the focus of the EPA enforcement and inquiry into the “reasonable inquiry” criteria. EPA’s logic being that the facility may have filed the certification without the required due diligence.

Joshi Environmental routinely assists facilities with comprehensive and cost-effective Title V compliance assessments to fulfill the “reasonable inquiry” criteria. Our services add another level of legal protection and peace-of-mind for the responsible official signing the annual compliance certification. Contact Sam Joshi at (267) 513-1898 to discuss how we can assist your facility complete this important requirement.

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