

5. FACT SHEET

SELF-REPORTING OF REGULATED INDUSTRY

CONCERN: *The industry self-reports and self-regulates, which leads to the “fox guarding the henhouse.”*

Regulated industries are required to maintain comprehensive records of their operations and must “self-report” many forms of environmental data, including any potential non-compliance with their environmental permits. These reports are then subject to investigation and enforcement by TCEQ and other regulatory bodies.

Practically every regulated industry in Texas is subject to some form of formal recordkeeping and reporting equipment. Facilities regulated under a permit-by-rule (PBR) must maintain records on-site and be prepared to make them available to TCEQ upon request to prove they comply with the specific requirements of the PBR. See 30 TAC § 106.8(c). These records are subject to inspection by TCEQ. Formal recordkeeping requirements for facilities subject to Minor Source New Source Review permits are found in 30 TAC § 116.115(b)(2)(E) and in certain cases these records must be maintained for two- or five-year periods. Specifically, the rock crushing Standard Air Permit requires that the facility maintain logs of its daily hours of operation, the material throughput per hour, its road work and dust suppression, and a stockpile dust suppression log; these records must be maintained for two years. See e.g., *The TCEQ Air Quality Standard Air Permit for Permanent Rock and Concrete Crushers*, Effective Date July 31, 2008, Section (1)(M)).

Compliance data are also required to be maintained and reported. Emission events are required to be reported within 24 hours of discovery. See e.g., 30 TAC § 101.201. An emission event is defined as any upset or unscheduled maintenance, startup or shutdown activity from a common cause that results in unauthorized emissions of air contaminants from one or more emission points at a regulated facility. See 30 TAC § 101.1(28). Discharges and spills at regulated facilities must be reported with 24-hours. See e.g., 30 TAC § 327.1. A discharge or spill is defined as an act or omission by which oil, hazardous substances, waste or other substances are spilled, leaked, pumped, poured, emitted, entered or dumped onto or into waters in the State of Texas or by which those substances are deposited where, unless controlled or removed, they may drain, seep, run, or otherwise enter water in the State of Texas. See 30 TAC § 327.2(3). These recordkeeping and reporting requirements ensure TCEQ can adequately monitor, enforce and foster compliance with the various environmental permits issued to regulated facilities.