

Guidance for the Review of Non-Reportable Emissions Event Records

Guidance Effective: July 1, 2010

The purpose of this guidance is to establish guidelines to be followed during the review of non-reportable (recordable) emissions event records. This guidance is applicable to routine, on-site or in-house investigations and reflects a time-use and prioritization decision for the TCEQ Regional Offices. Information regarding emissions event investigation procedures should be reviewed in the Emissions Event Investigator Protocol to better understand applicability of this guidance.

Evaluation under 30 Texas Administrative Code (TAC) §101.201(b)(2)

Regulated entities are required to maintain records of unauthorized, non-reportable emissions under 30 TAC §101.201(b) (2), relating to Emissions Event Reporting and Recordkeeping Requirements. When completing a review of non-reportable emissions event records under 30 TAC §101.201(b) (2) the following protocol shall be followed:

- A maximum five percent (5%) sample, but no less than one record, of non-reportable emissions event records shall be selected from the total of those records that were generated since the last investigation or other similar review of non-reportable emissions event records at the site.
- The investigator shall review the selected non-reportable emissions event records only to determine if they are administratively complete and accurate under the requirements of 30 TAC §101.201(b) (2). A review to ensure that records are administratively complete and accurate should include a cursory review of the non-reportable emissions event records to determine if there is any indication of incidents that should have been classified as “reportable” and/or meet the definition of an emissions event.

During an on-site or in-house investigation, additional issues regarding non-reportable emissions events may be identified. For example, issues may arise from the discovery of incomplete reports, recurring events, events with similar causes, or other conditions that suggest further investigation is warranted. Evaluation of the additional issues may require a more thorough review of specific non-reportable emissions event records. During the review of non-reportable emissions events records for these purposes, the following protocol shall be followed:

- Before reviewing records beyond the original 5%, the investigator shall determine a path forward for selecting the records to be reviewed. For example, in order to resolve a question of whether a pattern of emissions events is occurring at a specific production unit, the investigator may decide to identify and review all records, or a reasonable subset of all records, associated with that specific production unit.
- Prior to further investigation, approval shall be obtained from the regional Air Section Manager. The regional Air Section Manager will decide if further investigation is necessary

as a continuation of a previous investigation, a follow-up to a previous investigation, or a new investigation.

Additionally, specific compliance initiatives may be developed that require a more thorough, or even a complete review of records of non-reportable emissions. Approval must be obtained from the regional Air Section Manager and Regional Director prior to commencing these record reviews and investigations.

Additional information regarding emissions event investigation procedures can be found in the Emissions Event Investigator Protocol.

Evaluation under 30 TAC §101.222

The 5% review does not apply to an evaluation to determine if emissions are excessive or for the other demonstrations as required under 30 TAC §101.222, relating to Demonstrations. Reviews of reportable emissions event records are outside the scope of this guidance. In addition, reportable emissions events listed as Title V deviations need not be reviewed for possible alleged violations outside a Title V investigation because they have been or will be reviewed as required under 30 TAC §101.222. A thorough review of each site's reportable emissions events is expected to lead to reductions in emissions from all types of emissions events, both reportable and non-reportable (recordable) emissions events. A review of 30 TAC §101.222 should not be performed in conjunction with the 5% non-reportable records review. If additional review is necessary under 30 TAC §101.222 approval shall be obtained from the regional Air Section Manager.

Additional information regarding emissions event investigation procedures can be found in the Emissions Event Investigator Protocol.

Evaluation under 30 TAC §§122.145-146

All recordable emissions events listed as Title V deviations shall be reviewed to determine if they are administratively complete and accurate under the requirements of 30 TAC §§122.145-146, relating to Reporting Terms and Conditions and Compliance Certification Terms and Conditions. A review to ensure that deviations are administratively complete and accurate should include a cursory review to determine if any non-reportable incidents were not included on the deviation report and to determine if there is any indication of incidents that should have been classified as "reportable" and/or meet the definition of an emissions event. The cursory review to determine if a recordable event should have been a reportable event is based only on information from the Title V deviation report, or information known by staff prior to the investigation (from some other source). In many instances it is not necessary to request the records for a recordable emissions event listed on a Title V deviation report. If staff should need to request records connected with recordable emissions events, the number of records requested and reviewed is limited to 5%. Before reviewing records beyond the original 5%, the investigator shall determine a path forward for selecting the records to be reviewed. Prior to further investigation, approval shall be obtained from the regional Air Section Manager.