



# Compliance History: How It Works

## DATES OF INTEREST

The compliance history mass classification was completed on September 1, 2016. This process calculates the compliance history ratings and classifications for all applicable entities.

By November 15, 2016, these ratings and classifications will be published and made available on the TCEQ's website. (see [www2.tceq.texas.gov/oce/ch/](http://www2.tceq.texas.gov/oce/ch/)).

Entities wishing to appeal their classification must submit their appeal within 45 days of the date the ratings and classification are published.

## Compliance History Reports and Classifications/Ratings

A compliance history report shows information about a site that is used to determine a compliance history rating. This information includes:

- Enforcement orders, court judgments, and consent decrees by the state of Texas or the federal government
- Criminal convictions under the jurisdiction of the state of Texas or the federal government
- Citation dates for chronic excessive emission events
- Investigations (dates)
- Notices of violations (written)
- Environmental audits conducted under the Texas Environmental, Health and Safety Audit Privilege Act
- Environmental management systems
- Participation in TCEQ-supported voluntary pollution reduction or early compliance programs

Classifications and ratings are evaluated each September. Following a 30-day period for regulated entities to review their compliance history information, the results are posted to the TCEQ website. The classification categories and their corresponding rating ranges are:

- High Performer, below 0.10
- Satisfactory Performer, 0.10 – 55.00
- Unsatisfactory Performer, greater than 55.00
- Unclassified, no rating. An Unclassified site had no applicable information available when the evaluation was completed.

## What Does Being an Unsatisfactory Performer Mean to Me?

Consequences of a regulated entity's classification as an unsatisfactory performer may include, but are not limited to, the following:

- Denial of permit or permit renewal
- Unannounced investigations
- Higher penalties in enforcement actions
- More investigations/oversight to improve environmental compliance

## Help for Small Businesses and Local Governments

If you are a small business or local government, the TCEQ's Environmental Assistance Division (EAD) is available to assist you with compliance issues or questions.

Contact the Small Business and Local Government Section at **800-447-2827** or visit [www.tceq.texas.gov/goto/sblga](http://www.tceq.texas.gov/goto/sblga).

You may also contact your local TCEQ regional office for assistance.

## To Get a Copy of a Compliance History Report

E-mail: [comphist@tceq.texas.gov](mailto:comphist@tceq.texas.gov)  
Call: **512-239-2545**

And provide us with:

- The name and number of the customer or the name and number of the regulated entity, or site. If you need help locating a name and number, please go to our Central Registry page, at [www15.tceq.texas.gov/crpub/index.cfm](http://www15.tceq.texas.gov/crpub/index.cfm).
- The format you prefer (ASCII, PDF, etc).
- A phone number or e-mail address we can use to contact you if we need more information.

Published classifications are also available directly from our website, at [www2.tceq.texas.gov/oce/ch/](http://www2.tceq.texas.gov/oce/ch/).

## Appealing a Compliance History Classification or Repeat Violator Classification

### **What should be included in the appeal?**

- Tell us what and why you are appealing
- State the specific outcome you want
- If appealing a classification, show that the classification will change as a result of your appeal
- Include all supporting documents

There is no hearing associated with the appeal process, so your written appeal must stand on its own merit. Be sure to include everything you want us to consider that supports your position.

### **What is the deadline for filing this appeal?**

Your appeal must be received by us no later than 45 days after the classification was posted on our website. (Example: If we post the classification on Nov. 1, 2016, the final day to appeal will be Dec. 15, 2016.)

### **Where should the appeal be sent?**

Send your appeal and all the supporting documents by certified mail, return-receipt requested, to:

**Richard A. Hyde, P.E., Executive Director**  
**Attn: Bryan Sinclair**  
**Compliance History Review, MC 219**  
**Texas Commission on Environmental Quality**  
**P.O. Box 13087**  
**Austin, TX 78711-3087**

## Correcting Compliance History Errors

### **Who may correct an error?**

Only the TCEQ can correct an error, but anyone may bring an error to our attention and ask that it be corrected.

### **What kinds of errors may be considered?**

Correctable errors can include clerical errors, such as:

- Typographical errors (example: a name is misspelled).
- Filing errors (example: an investigation within the five-year compliance period is missing from the report).
- Mathematical errors (example: a rating calculation is incorrect).

Or they can be factual errors found in the report, as in the following examples:

- An incorrect classification of a violation on the compliance history report.
- Failure to reflect participation in a TCEQ-supported voluntary program on the compliance history report.

### **How do you inform us of errors?**

E-mail us at [comphist@tceq.texas.gov](mailto:comphist@tceq.texas.gov)

Call us at **512-239-2545**

Send a letter to:

**Enforcement Division, MC 219**  
**Texas Commission on Environmental Quality**  
**P.O. Box 13087**  
**Austin, TX 78711-3087**

If requested, send documentation that supports the correction.

If the correction causes the rating or classification to change, we will post the new information on the TCEQ website.

## CONTACT US

E-mail: [comphist@tceq.texas.gov](mailto:comphist@tceq.texas.gov)

Phone: **512-239-2545**

Mailing Address:

**Enforcement Division, MC 219**  
**Texas Commission on Environmental Quality**  
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### **How is our customer service?**

Fill out our online customer-satisfaction survey at [www.tceq.texas.gov/customersurvey](http://www.tceq.texas.gov/customersurvey).

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