

Elita Castleberry

Harris County Pollution Control Services respectfully submits the comment letter as a PDF.

# Harris County Pollution Control Services

Dr. Latrice Babin, Executive Director

Established in 1953



September 9, 2025

Corey Bowling  
Texas Commission on Environmental Quality  
Office of Legal Services, MC 205  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Comments for Rule Project Number 2024-003-039-LS

Dear Corey Bowling,

Harris County Pollution Control Services (PCS) respectfully submits the following comments for proposed new and proposed amendments to 30 Texas Administrative Code (TAC) Chapters 39 and 55 based on the 2022-2023 Sunset Advisory Commission's recommendations for the Texas Commission on Environmental Quality (TCEQ).

PCS inspects facilities in Harris County for compliance with environmental laws and regulations, reviews permit applications and submits comments to the TCEQ on permitting actions. PCS also works closely with TCEQ's Houston Region 12 office, which refers a substantial number of environmental complaints, including nuisance complaints, from Harris County citizens to PCS. PCS then investigates these complaints. If non-compliance with the conditions of the permit or applicable regulations is discovered, PCS will issue a Violation Notice(s) and/or refer cases to the Harris County Attorney's Office or District Attorney's Office for civil or criminal enforcement.

***“Background and reason(s) for the rulemaking: The Texas Commission on Environmental Quality (TCEQ or commission) underwent Sunset review during the 88th Regular Legislative Session, 2023. Senate Bill (SB) 1397, 88th Regular Legislature Session, 2023 (TCEQ’s Sunset bill), continues TCEQ, and requires changes to TCEQ’s public participation rules including an extension of time for filing hearing requests and making public comments for certain air permits. Amendments to TCEQ’s rules at 30 Texas Administrative Code (TAC) Chapters 39 and 55 are needed to implement these statutory changes. Additionally, the proposed rulemaking contains revisions intended to provide clarity in the rules and make them easier to understand for the public and regulated entities, including adding definitions of commonly used terms.”***

***“The proposed rulemaking also seeks to clarify the rules to meet the general Sunset recommendation that the agency improve its public participation process for permit applications.”***



***“TCEQ’s Sunset bill requires TCEQ to implement changes relating to public notice. Specifically, TCEQ’s Sunset bill required that air quality permit applications that are required to publish notice in a consolidated NORI and NAPD must have an extension of the end of the comment period and the opportunity to request a contested case hearing to at least 36 hours following a public meeting held on the permit application.”***

### **PCS Comment**

TCEQ’s current policy and process can be confusing to participants (i.e., general public, impacted residents) not familiar with the process. To compound this issue, citizens who may not be informed of a permitting action in their area may not be privy to the details until attending a public meeting.

The current policy for submitting comments on an air permitting action closes the comment window at 11:59 pm on the same day as a public meeting. As noted above, meeting attendees may not know to comment until attending a public meeting, and the current limit of 11:59 pm to comment on the same day of the public meeting poses an undue and unnecessary burden on citizens who may decide to submit comments.

An extended comment period is necessary and warranted and would afford participants time to process any new information that may have been garnered from the public meeting.

### **PCS Recommendation**

This rulemaking proposes a 36-hour window, after a public meeting is held, as a comment submittal deadline.

PCS recommends that the TCEQ extend the comment period to no less than 10 days after a public meeting, thereby affording participants sufficient time to draft a response. In addition, PCS recommends that this extended 10-day comment period, after a public meeting, be applicable to all air quality permitting actions and not solely air quality permit applications required to publish a notice as a consolidated NORI and NAPD. PCS further requests that you consider extending a 10-day minimum comment period to apply to all public meetings regarding air quality permits, waste permits, wastewater permits, and water quality permits.

Harris County

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Thank you for the opportunity to provide these concerns regarding the proposed rulemaking action referenced above. Should you have any additional questions or concerns, please contact Elita Castleberry at (713) 274-6236 or by email at [elita.castleberry@pcs.hctx.net](mailto:elita.castleberry@pcs.hctx.net).

Sincerely,

A handwritten signature in black ink, appearing to read 'LatB', followed by a horizontal line.

Dr. Latrice Babin  
Executive Director

EBC/lw

cc: Mikayla Panariello - Harris County Judge's Office  
Sarah Utley - Harris County Attorney's Office  
Nicole Bealle - TCEQ Region 12