

Elita Castleberry

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

Harris County Pollution Control Services

Jesse Dickerman, Interim Executive Director

Established in 1953



July 16, 2026

Texas Commission on Environmental Quality
Texas Regulatory Efficiency Office
rules@tceq.texas.gov

Re: Harris County Pollution Control Services Waste Comments on
TCEQ Invites Stakeholder Comments on Potential Rule Changes
Proposed Improvements to TCEQ Rules

To whom it may concern,

Harris County Pollution Control Services (PCS) respectfully submits the following comments as requested by the Texas Commission on Environmental Quality (TCEQ) on agency rules identified for potential improvement through the Texas Regulatory Efficiency Office's (TREG) rule review process.

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 the TCEQ's Houston Region 12 office, which refers a substantial number of environmental complaints, including nuisance complaints, from Harris County citizens. PCS then investigates these complaints and, when appropriate, issues Violation Notices and refers cases to the Harris County Attorney's Office or District Attorney's Office for civil or criminal enforcement.

Below is a list of comments and concerns identified by PCS.

1. **TCEQ recommends repealing the following sections because they believe the rule language in these sections is addressed by other statutes, and is therefore duplicative and should be removed.**

30 TAC 319.21 consists of definitions for Hazardous Metals.

30 TAC 319.24 consists of specifically prohibiting dilution



30 TAC 319.25 consists of sampling and analysis for the hazardous metals subchapter by referring to 30 TAC 319.11 and 319.12 both in the Monitoring and Reporting System subchapters.

Comment/Recommendation

PCS has reviewed the TCEQ's proposed repeals within 30 TAC Chapter 319 and offers the following consolidated comment. While TCEQ notes that several sections are duplicative of existing state or federal rules, the removal of these provisions may create confusion and add unnecessary burden for regulated facilities and reviewers. Definitions, dilution prohibitions, and cross-references within a subchapter serve as essential context for understanding applicability, interpreting technical requirements, and ensuring accurate compliance evaluations. Eliminating the definitions in 319.21, the dilution prohibition in 319.24, and the sampling and analysis references in 319.25 could hinder the ability of readers to locate relevant standards, especially when related requirements are dispersed across other chapters or guidance documents that may not be immediately apparent.

PCS recommends that TCEQ retain these sections unless the agency clearly identifies where equivalent requirements are located in rule. If TCEQ proceeds with repeal, PCS recommends adding explicit references or links to the appropriate state or federal standards. Additionally, PCS recommends amending 319.5 if it is intended to govern hazardous metals sampling and analysis, or updating 319.25 to properly reference 319.5 alongside 319.11 and 319.12. These adjustments would maintain consistency within the subchapter and preserve the usability of the hazardous metals rules.

- 2. Per the TCEQ notes/justification, the rule is obsolete and contains unnecessary requirements...**

30 TAC 324.11 reference by rule 40 Code of Federal Regulations (CFR) Part 279 Subpart E, refers to chapter 334 of the TAC, 40 CFR Part 279, and registration of transporters.

30 TAC 324.12 reference by rule 40 CFR Part 279 Subpart F and requires underground storage tanks, registration, analysis plan, and biennial reports.

30 TAC 324.13 reference by rule 40 CFR Part 279 Subpart G and requires underground storage tanks and registration.



30 TAC 324.14 reference by rule 40 CFR Part 279 Subpart H and requires registration

Per 30 TAC 324.16 Polychlorinated Biphenyls (PCBs) The commission incorporates by reference the rules for burning used oil containing PCBs in 40 Code of Federal Regulations Part 279 (CFR) (Table 1) and in 40 CFR §761.20(e).

30 TAC 328.24 is for Registration and Reporting of Used Oil Filter Management and Recycling. It contains registration and reporting information for transporters, storage facilities, or processors.

Per 30 TAC 328.28 Each registered storage facility and each facility of a registered processor shall develop a plan to prevent spills and respond to spills in accordance with the federal spill prevention, control, and countermeasure requirements provided by Title 40 Code of Federal Regulations, Part 112 (as amended through July 1, 1998).

Recommendation

PCS recommends that the TCEQ ensure the references to the CFR, TAC, or the above-mentioned requirements in the TAC remain in the rules.

- 3. 30 TAC 328.3 is the General Requirements and states all recycling facilities shall comply with all applicable federal laws and regulations and the following state laws. Several chapters of the Texas Health and Safety Code (THSC) and the Texas Water Code (TWC) are presented.**

Per the TCEQ notes/justification, the rules are duplicative and can be repealed. These rule references can be added to the recycling forms or other instructions.

Comment/Recommendation

PCS is concerned that not referencing the specific chapters of the THSC and TWC, will make it more difficult to enforce the regulations applicable to recyclers.

PCS recommends that the TCEQ maintain the current wording in 30 TAC 328.3 and also add specific requirements for recyclers to obtain TPDES permits.



4. **Per the TREO notes/justification, for definitions in 30 TAC 330.3, the extended parenthetical cross-references in definitions such as 'active life' (para. 3), 'active portion' (para. 4), and similar entries could be shortened to cite only the section numbers without repeating the full heading text of each referenced section. For example, 'in accordance with 330.451, 330.453, 330.455, 330.457, and 330.459 of this title' could replace the current formulation that repeats each section's full descriptive heading. This change alone could reduce the section's word count by an estimated 200-300 words with zero impact on regulatory substance.**

Recommendation

PCS recommends that the TCEQ not remove the extended parenthetical cross-references.

5. **Per TREO's assessment, revisions have been proposed for several sections of 30 TAC 330.63. This includes removal of the waste-deposition rate in 330.63(d)(4)(D), streamlining of test pit and boring plan approval requirements in 330.63(d)(7)(A)(ii) and (e)(4), consolidation of the nine waste-movement documentation sub-items in 330.63(b)(2), and broad substitution of narrative descriptions with standardized electronic templates across subsections (b), (d), and (e) — appear aimed at reducing word count, modernizing outdated language, or expediting review processes.**

Comment/Recommendation

PCS is concerned that the proposed changes will reduce clarity, completeness, and technical rigor necessary to protect the environment and public health. Regarding 330.63(d)(4)(D), PCS agrees that the generalized waste-deposition approximation is outdated and should be removed. Modern waste-generation rates vary widely by region, diversion programs, recycling participation, and emergency events; therefore, applicants should rely on site-specific calculations rather than default values.

Per 330.63(d)(7)(A)(ii) or 330.63(e)(4), setting minimum excavation depth beneath waste and ensuring prior executive-director approval of boring plans provide safeguards ensuring thorough subsurface evaluation. PCS is concerned that the TCEQ is allowing the permittee to delineate their regulatory obligations, which will undermine environmental protections. Consolidation of the nine sub-items in 330.63(b)(2) creates opportunity for errors. Although some items may appear duplicative, each requirement corresponds to a distinct facility type or



operational scenario within the municipal solid waste program. Consolidating the sub-items could result in applicants omitting essential facility-specific details.

Finally, PCS acknowledges that electronic templates may improve consistency but stresses that removing content from subsections (b), (d), and (e) would risk losing crucial technical information. Many Part III requirements are already submitted electronically; however, digital formats should supplement, not replace, explicit rule requirements.

PCS recommends that the TCEQ maintain all existing content in these subsections and develop/provide standardized digital templates that fully capture all the rule requirements.

Overall, PCS supports removing only the outdated language identified in §330.63(d)(4)(D) and recommends that all other substantive requirements remain unchanged.

6. **Per the TCEQ notes/justification for 30 TAC 335.1 definitions, several definitions reference outdated or legacy terminology. For example, 'conditionally exempt small quantity generator' (paragraph 39) is defined as equivalent to 'very small quantity generator,' reflecting a federal terminology change that has been in effect since 2017. The TCEQ could consider whether the legacy term needs to remain as a standalone definition or could be handled as a parenthetical note within the 'very small quantity generator' definition.**

30 TAC 335.1 contains approximately 200 definitions, some with multiple subsections

Comment/Recommendation

Maintaining outdated or legacy terminology with a parenthetical note or footnote number within the updated terminology is beneficial for users who are familiar with legacy terminology as the transition to the updated terminology occurs. It is also unclear if any other definitions and/or terminologies are being updated or amended.

PCS recommends that the TCEQ provide a list of definitions considered outdated or legacy terminology from the approximately 200 terms and also recommends that the TCEQ provide parenthetical notes within the updated terminology.

Harris County

Pollution Control Services

Jesse Dickerman, Interim Executive Director

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Thank you for the opportunity to provide these concerns regarding the Potential Rule Changes. Should you have any additional questions or concerns, please contact Elita Castleberry at (713) 274-6236 or by email at elita.castleberry@harriscountytexas.gov.

Sincerely,

A handwritten signature in blue ink that reads "Herman F. Rogers II".

Mr. Herman Rogers
Permit Services Manager

cc: Veronyka James - Harris County Judge's Office
Sarah Utley - Harris County Attorney's Office
Nicole Bealle - TCEQ Region 12
Jesse Dickerman - Harris County Pollution Control Services

EBC/lw