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Harris County  
**HCPHES**  
Public Health & Environmental Services

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November 13, 2009

U.S. Environmental Protection Agency  
EPA Docket Center (EPA/DC)  
Attention Docket ID Nos. EPA-HQ-OAR-2005-TX-0025; EPA-R06-OAR-2005-TX-032; EPA-R06-OAR-2006-0133  
1200 Pennsylvania Avenue NW, Mailcode 6102T  
Washington, DC 20460

Re: EPA's Federal Register Notice Disapproving Portions of TCEQ's Most Recent State Implementation Plan Revision Submittal

Dear Sir/Madam:

In the subject dockets, the Environmental Protection Agency (EPA) has expressed major concerns with the Qualified Facilities State Program, Flexible Permit Program and the New Source Review (NSR) Reform State Implementation Plan (SIP) that the Texas Commission on Environmental Quality (TCEQ) currently has in place or has proposed. The EPA takes issue with the regulations the TCEQ enforces alleging a lack of specificity regarding definitions and general lack of checks and balances to ensure that federal requirements are met during the referenced state's permitting processes in addition to not meeting the Minor NSR Source SIP, Major Source NSR SIP, including the Major Source NSR Nonattainment SIP requirements. Those concerns, currently unaddressed by the TCEQ, have ultimately resulted in the proposed disapproval portions of the TCEQ's most recent SIP amendment proposal which is critical to ensuring that the air quality in the Houston, Galveston Brazoria (HGB) area returns to levels compliant with the National Ambient Air Quality Standards (NAAQS).

Harris County Public Health & Environmental Services (HCPHES) is very concerned that the above TCEQ programs have been determined by the EPA to fall short of federal requirements. As such, HCPHES encourages the EPA to aggressively pursue the timely correction of these deficiencies to ensure the health, safety and well being of the citizens of Harris County.

Additionally, HCPHES has been, and continues to be, concerned that the public participation process is not user friendly with regards to timeliness of initial notification and time restrictions for public comment. Specifically, it is not uncommon for a permit modification or amendment notification to be delayed on occasion thus resulting in a shorter period for citizens as well as HCPHES to respond. These situations have unduly limited the opportunities for the public and affected agencies to be able to provide meaningful reviews and submit appropriate comments.

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[www.hcphe.org](http://www.hcphe.org)

NOV 19 2009

In summary, HCPHES supports the EPA's conclusion to disapprove portions of the SIP as proposed until such time the TCEQ addresses all of the specifics noted in the Federal Register. In addition, HCPHES strongly supports strengthening the public participation rules such that Texas citizens are able to participate meaningfully in the process.

HCPHES appreciates the opportunity to comment on these proposals. Should you have any questions, please contact Stuart Mueller – Air Administrator, Environmental Public Health Division, HCPHES, at 713-740-8724 or by e-mail at [smueller@hcpbes.org](mailto:smueller@hcpbes.org).

Sincerely,

A handwritten signature in black ink, appearing to be 'Herminia Palacio', with a long horizontal line extending to the right.

Herminia Palacio, M.D., M.P.H.  
Executive Director

HP/SM/mlf

cc: Snehal R. Patel, Harris County Attorney's Office  
Catarina Cron, Harris County Judge's Office  
Arturo Blanco, Chief, City of Houston Bureau of Air Quality Control  
Marsha Hill, Regional Director TCEQ Region 12