

Harris County
HCPHES
Public Health & Environmental Services

Herminia Palacio, M.D., M.P.H.
Executive Director
2223 West Loop South
Houston, Texas 77027
Tele: (713) 439-6000
Fax: (713) 439-6080

Environmental Public Health Division
107 N. Munger
Pasadena, TX 77506
Tele: (713) 920-2831
Fax: (713) 477-8963

January 11, 2010

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

Re: Proposed Rulemaking Chapter 101, Failure to Attain Fee
Rule Project No. 2009-009-101-EN

Dear Mr. Ryan:

Thank you for the opportunity to provide comments on the proposed Chapter 101 rule regarding fee collection from sources of volatile organic compounds (VOC) and oxides of nitrogen (NO_x). Harris County Public Health and Environmental Services (HCPHES) is continually striving to ensure the citizens of Harris County and surrounding areas are protected from the harmful effects of air pollution.

HCPHES understands that the proposed rule, once formalized and implemented, will require additional "fees" from major sources of VOCs and NO_x in areas designated as severe non attainment who emit more than 80% of stationary source baseline emissions. HCPHES further understands that the proposed rule reflects the requirements of the *Federal Clean Air Act (FCAA)*, §§ 182(d)(3) and (e), *Plan Submission and Requirements*, and §185, *Enforcement for Severe Nonattainment Areas for Failure to Attain*. Enforcement authority will default to the EPA if not incorporated into the Texas Administrative Code (TAC) by Texas Commission on Environmental Quality (TCEQ).

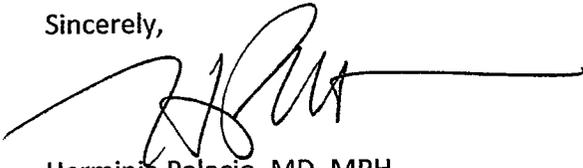
HCPHES supports the proposed rule as it is anticipated that air quality in Harris County will improve as a result of voluntary emission reductions from major sources in an effort to reduce fee obligations. In addition, HCPHES supports the proactive actions of the TCEQ in this

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rulemaking as it empowers the state to enforce the above provision of the Federal Clean Air Act.

HCPHES appreciates this opportunity to offer these comments and looks forward to the final rulemaking on the subject. Should you have any questions, please contact Stuart Mueller-Environmental Public Health Air Administrator at 713-740-8724 or by e-mail at smueller@hcphe.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'HP', with a long horizontal line extending to the right.

Herminia Palacio, MD, MPH
Executive Director

cc: Snehal R. Patel, Harris County Attorney's Office
Marsha Hill, Regional Director TCEQ Region 12