

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

June 20, 2016

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: **TCEQ Permit No. 2016-0597-PET; Harris County  
Request to Withdraw Petition for Adoption of Rule**

Dear Ms. Bohac:

Please find enclosed for filing Harris County's Request to Withdraw Petition for Adoption of Rule, Docket No. 2016-0597-PET.

Sincerely,

A handwritten signature in cursive script that reads "Hollis Henley II". The signature is written in black ink and is positioned above a horizontal line.

Hollis Henley, *Staff Attorney*  
Environmental Law Division  
State Bar No. 24066672



Vince Ryan  
Harris County Attorney

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June 16, 2016

**Certified Mail No. 7014 1200 0002 0416 0774**

**Return Receipt Requested**

Richard A. Hyde  
Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Request to Withdraw Petition for Adoption of Rule; Amendment of 30 Texas Administrative Code (T.A.C.) § 321.212(a); Applicability of Motor Vehicle Cleaning Facilities for Authorization by Rule under 30 T.A.C. Subchapter L

Dear Mr. Hyde:

Harris County seeks to withdraw, without prejudice, its petition for rulemaking to the Texas Commission on Environmental Quality (TCEQ), filed on April 20, 2016, seeking a revision to 30 T.A.C. § 321.212(a), applicability of motor vehicle cleaning facilities for authorization by rule under 30 T.A.C. Chapter 321, Subchapter L.

This withdraw is being submitted after discussions with the TCEQ staff regarding the applicability of 30 T.A.C. Chapter 210, Subchapter E (Subchapter E) to Harris County car washing operations. Specifically, some of the issues Harris County and the TCEQ staff discussed included:

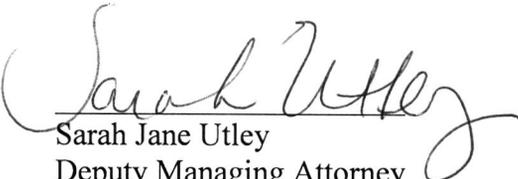
- 1) TCEQ intends to create a Subchapter E application specifically designed for car washes (which may include limiting the required pollutant testing requirements to those applicable to car wash effluent);
- 2) Car Wash water will be considered non process wastewater under Subchapter E;
- 3) Harris County has an option to reuse car wash water for toilet flushing as a Subchapter E level II authorization;
- 4) Harris County will only need to submit analysis for parameters listed in Tables 1-1 and 1-2 of the current Industrial Reclamation Reuse Application (however TCEQ may remove some parameters if a specific car wash application is created);
- 5) NSF 350 results, or other third party testing data of similar effluent treatment systems, could be used to meet the standard for determination of whether effluent quality qualifies for Level I or Level II designation under Subchapter E; and
- 6) TCEQ will repeal 30 T.A.C. Chapter 321, Subchapter L in order to avoid confusion in the regulated community.

Harris County submits this request to withdraw the petition for rulemaking on the basis that that TCEQ staff will continue to work to resolve Harris County's concern to find a cost-effective and efficient manner to regulate car wash water discharges. However, please note that my client, the Harris County Engineer, was reluctant to withdraw this petition for rulemaking, and has advised that should this matter not be resolved in a timely manner, he will be seeking a legislative or other solution.

If you have any questions or any further information is required, please contact me at (713) 274-5124 or at sarah.utley@cao.hctx.net.

Sincerely,

VINCE RYAN  
Harris County Attorney



Sarah Jane Utley  
Deputy Managing Attorney  
Environment and Infrastructure Group

cc: Via email  
David W. Galindo, TCEQ  
John Blount, HCED  
Alisa Max, HCED  
Danielle Cioce, HCED  
Bob Allen, HCPCSD