

Texas Commission on Environmental Quality (TCEQ)  
Office of Air  
Tax Relief for Pollution Control Property Advisory Committee  
March 6, 2015  
10:00 A.M. – 12:11 P.M.

## **Minutes**

### ***Opening Remarks***

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members were present except for Dr. Cyrus Reed, and Mr. Wayne Frazell.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

### ***Review of Advisory Committee 2014 Draft Annual Report***

Mr. Adair opened the discussion by asking for comments on the report. No comments were made. A motion was made to approve the report. The motion passed. The next step is for Mr. Adair to complete the report and send it to the TCEQ Commissioners.

### ***Prop 2 legislative update from TCEQ staff and/or Advisory Committee members***

Mr. Don Redmond, TCEQ Legal staff, explained that as of March 6, 2015, no legislation had been filed that directly impacts the Tax Relief Program. Mr. Don Lee distributed copies of [HB 994](#), which would make the temporary exemption located in §11.311 for Landfill-Generated Gas Conversion Facilities a permanent exemption. Mr. Lee explained that while the exemption is not part of §11.31 he was concerned that the people lobbying for the bill were misleading legislators by telling them that the bill would not be needed if the committee had done its job.

### ***Discussion of “meet or exceed” in TAC §11.31(b) – continuation from 12/14/14 meeting***

Mr. Mike Nasi distributed a proposed resolution entitled “[Recommended Adjustments to the TCEQ Pollution Control Property Tax Exemption Program](#).” The resolution suggests that 1) the commission clarify by rule or guidance that it interprets “wholly or partly to meet or exceed rules or regulations” to include equipment a) used to assist in achieving a goal or general standard such as water conservation, pollution prevention, or recycling; b) used to meet an environmental standard that does not apply to the applicant’s facility due to the timing of the equipment installation relative to rule adoption or the equipment is used to maintain emission rates below a threshold that would trigger the rule requirements cited in the application; c) used to comply with a proposed rule yet to be adopted, but which rule will apply to the applicant’s operations upon rule adoption (and at which time a positive use determination for an otherwise qualifying applicant would be made effective); and d) installed to meet or exceed an adopted rule that is subsequently repealed or voided by a judicial action; and 2) the commission should clarify by rule or guidance that item §11.31(k)(16), equipment used for carbon capture utilization and storage (CCUS), now has an adequate environmental rule in place.

The resolution was discussed by committee members with input requested from TCEQ staff. As 12:00 P.M. approached, the decision was made to table the discussion since several committee members had commitments that required them to leave the meeting. Before the discussion was tabled, members of the audience were solicited for comments on the resolution. Statements were made by Robert Preisler, Harris County Appraisal District; Alfonso Porras, Capital Appraisal Group; David Hodgins; Tom Hanna, Jefferson County Appraisal District; and Mickey Hand, Chief Appraiser, Wise County Appraisal District. The resolution was tabled pending additional discussion at the next advisory committee meeting. Several members suggested that the next meeting occur sooner rather than later but the meeting was not scheduled.

***Other***

***1. Old Business***

None

***2. New Business***

None

***3. Other General Comments from the Public***

None

***Action Items***

Mr. Nasi will amend the proposed resolution based on comments received and distribute it before the next committee meeting.

***Adjourn***

The meeting adjourned at 12:11 P.M.