

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory
Committee December 12, 2016
10:00 A.M. - 11:03 A.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members except Mr. Gregory Maxim and Dr. Cyrus Reed attended the meeting.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. General comments from committee members and TCEQ staff were solicited. No comments were received.

Election of 2017 Chairman (presiding Officer) of Advisory Committee as required by Article 3, Section 2 of Advisory Committee bylaws

Mr. Adair opened the floor to nominations. Mr. Don Lee stated that he appreciates Mr. Adair's service as chair and asked if he would be willing to stand for re-election. Mr. Adair stated he was available for another term. The committee elected Mr. Adair as 2017 Chair.

Status of pending new Advisory Committee member appointment following resignation of industry member

Mr. Adair informed the committee that Mr. Robert Castor had resigned his committee position due to a change of employment. Mr. Adair requested an update on the status of filling the open industry position. Ms. Shelley Naik, TCEQ staff, explained that a notice of the open position and a solicitation for applications was published in the *Texas Register* on November 18, 2016. The application is available on the TCEQ website. The deadline for filing an application is December 19, 2016. Two applications have been received. The position will be filled by the commission during a February 2017 agenda.

Explanation and discussion of new TCEQ Core Data Form

Mr. Adair requested that TCEQ staff explain why the current version of the Use Determination for Pollution Control Property application requires that a Core Data Form be submitted with the application. Mr. Ron Hatlett, TCEQ staff, explained that TCEQ policy requires that all core data be maintained in the Central Registry. Due to its small size, the Tax Relief Program was exempted from this requirement. During an ongoing process to create an electronic application form, it was determined that the Tax Relief Program must conform to agency data standards and that the Tax Relief Application and database needed to be updated to remove core data requests from the application form and to remove core data from the database. Mr. Hatlett distributed a document that provides a [timeline of the various actions related to the electronic application form](#) development process. Mr. Hatlett distributed a second document that explains when a copy of a previously filed Core Data Form is acceptable and when a new Core Data Form is required. In addition, the document provides [step-by-step instructions for completing a Core Data Form](#) for the purpose of requesting a use determination. In response to committee member questions, Mr. Hatlett explained that while the requirement to submit a Core Data Form with the application may place an additional burden on applicants in the short-term the electronic application process should reduce application processing times for both applicants and agency staff.

Other

1. Old Business

Mr. Wayne Frazell requested a status update regarding the Heat Recovery Steam Generator (HRSG) appeals. Mr. Don Redmond, TCEQ Legal Staff, explained the current status. The courts separated the appeals into two groups based on the Tier level of the application. The Tier III appeals were heard by the Austin District Court and the negative determinations were upheld during December 2015. The applicant appealed and the appeal was sent to the El Paso Court of Appeals. Both sides have filed briefs with the court. The hearing date has not been set.

The appeal of the negative determinations for the Tier IV applications was heard by the Austin District court on June 28, 2016. A ruling upholding the negative determinations was issued on September 1, 2016. The applicants appealed. The appeals have been assigned to the Austin Court of Appeals. A briefing schedule is being developed.

2. New Business

Mr. Adair asked if any committee member or staff person were aware of any pending legislation. There were no responses.

Mr. Wayne Frazell suggested that the committee bylaws be changed to reduce the number of required meetings to two rather than four. After a brief discussion no action was taken.

Other General Comments from the Public

None

Action Items

TCEQ staff will keep the committee informed of activities that occur during the electronic application process.

Adjourn

The meeting adjourned at 11:03 A.M.