

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee
June 13, 2016
10:00 A.M. – 10:16 A.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members attended the call via conference call except for Mr. Robert Castor, Mr. Roland Bieber, and Dr. Cyrus Reed.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. General comments from committee members and TCEQ staff

Appraisal approach

Mr. Wayne Frazell made comments regarding using a cost approach versus an income based approach for appraisal purposes. Advisory Committee members discussed Mr. Frazell's comments.

Status of online application submittal system

Ms. Shelley Naik of TCEQ staff stated that TCEQ is in the early stages of developing an online application submittal system.

Three-year review of Tier I Table as required by Title 30 Texas Administrative Code §17.14(b)

Mr. Bob Adair stated he has received no proposed revisions to the Tier I Table for the triennial review. He opened the floor for comments and none were received on the review of the Tier I Table. No proposed revisions to the Table were discussed at the meeting. Mr. Don Lee made a motion that the Committee has no proposed revisions to the Tier I Table for the Commission and requested the record reflect that the motion is based on the lack of recommendation(s) from inside or outside the Advisory Committee. Mr. Gregory Maxim seconded the motion. There was no discussion of the motion. The motion passed with no votes in opposition.

Other

1. Old Business

Update on heat recovery steam generator (HRSG) litigation

Mr. Don Lee asked TCEQ staff for an update on the HRSG litigation and appeals. Mr. Don Redmond of TCEQ Legal staff responded that HRSG lawsuits have been split into two groups. The Tier III group was heard by Travis County District Court in December of 2015. The court upheld TCEQ's decision. That court decision has been appealed to the El Paso Court of Appeals. Briefs are being filed and a hearing has not been scheduled yet. The Tier IV group has been consolidated for purposes of briefing and trial. A hearing is scheduled in Travis County District Court for June 28, 2016.

2. New Business

None

3. Other General Comments from the Public

Mr. Horatio Correa commented that process flow diagrams are sometimes requested for some Tier I Applications and asked for clarification about whether or not the Tier I application process had been changed so that a process flow diagram is now a standard part of the application process. Ms. Naik of TCEQ staff responded that TCEQ staff may request a process flow diagram for any application regardless of Tier level if additional information is needed to process the application and there has been no change to that requirement. Mr. Correa followed up with a question about whether or not applicants should include a copy of a Title V permit or specific section of the permit or wait to see if TCEQ requests that information. Ms. Naik responded that the applicant should make the determination about what to include with the initial application so that TCEQ can determine whether or not the pollution control property is used as described in the Tier I Table. If additional information such as a process flow diagram, permit conditions, or permit number is needed to make a use determination, TCEQ will request it.

Mr. Greg Maxim added that if an applicant marks information as confidential, TCEQ will hold it as confidential for their records. Mr. Adair pointed out that marking information as confidential would not always protect the information marked as confidential from disclosure in the event of legal discovery.

Action Items

None

Adjourn

The meeting adjourned at 10:16 A.M.