

TCEQ, Chief Engineer's Office
Tax Relief for Pollution Control Property Advisory Committee
December 6, 2010
10:00A.M. – 3:00P.M.
TCEQ, Austin Campus,
Building E, Room 201S

Minutes

I. Opening Remarks..... Bob Adair, Chair

A. Call to order and recognition of committee members for the record

Mr. Bob Adair called the meeting to order at 10:09 a. m. with ten members present and Mr. Arnold on the phone. Mr. Roland Bieber arrived later. Mr. Bennett Sandlin was unable to attend.

B. Public comments policy discussion

Mr. Adair re-stated the public comment policy. No action was taken.

C. General comments from committee members and staff

No comments.

II. Proposed revisions to bylaws re: election of Presiding Officer (Chairman)..... Bob Adair

Mr. Adair opened a discussion on the committee's bylaws. The bylaws required voting on presiding officer by secret ballot. This prevents members who are not able to physically attend a meeting from voting. The bylaws were modified to allow votes by means other than a paper ballot.

III. Election of Presiding Officer (Chairman) with term beginning January 1, 2011 Various (annual election required by Article 3 of Committee bylaws)

Mr. Adair opened the discussion. Mr. Don Lee asked if Mr. Adair was interested in serving another one-year term. After Mr. Adair stated that he was not opposed to serving another term, Mr. Lee nominated him and the committee elected him to another one-year term.

IV. Review Advisory Committee's draft 2010 annual report Bob Adair

Mr. Adair requested comments on the draft annual report. Dr. Cyrus Reed suggested that a section describing the committee's assistance in developing the recently adopted amendments to 30 Texas Administrative Code §17 be added to the report. Mr. Adair directed staff to:

- add a section about the December 6 meeting to the table located on page 5; and
- update travel costs and staff hours located on page 7

Mr. Lee suggested that a section listing program statistics be added. Mr. Minor Hibbs, TCEQ staff, explained that the TCEQ's Chief Engineer has requested that staff develop an annual report on the program's activities and that inclusion of this material in the advisory committee's report would be redundant. A motion was made to approve the format of the report. Once the report has been updated, it will be circulated by email.

V. Consider TCEQ staff's request for advice..... Bob Adair

Chance Goodin, TCEQ staff, introduced new staff to the Tax Relief for Pollution Control Property Program and distributed draft versions of a proposed application form and instructions. The committee was asked to review and comment on the proposed documents.

Mr. Goodin also distributed a document titled Equipment and Categories List Issues. The document identifies three recurring issues:

- eligibility of Recycling Equipment;
- the applicability of Best Management Practices as a rule citation; and
- eligibility of hazardous materials storage areas.

Mr. Tim Reidy, TCEQ Legal staff, explained that these issues are related to determining the appropriate rule citation when implementing the program. Mr. Charles Hall, WORLD Environmental, stated that as consultants his company deals with these issues on a regular basis and the lack of clarity impacts their ability to file complete applications. He explained that the discussion should include a look at how to properly cite to performance based rules. The committee agreed to consider these issues and be prepared to have a discussion at their next meeting.

VI. Other..... Bob Adair

A. Old Business

Mr. Adair opened the discussion on old business. No action was taken.

B. New Business

Mr. Adair opened the discussion on new business. No action was taken.

C. Public Comments

Mr. Adair opened the meeting for public comment. Mr. Bernardo Garcia, Harris County Appraisal District, thanked the committee for their work over the previous ten months. He then made several comments about the draft application form and requested that staff consider gathering additional information (including the appraisal district account number) for the appraisal districts. He commented that at one time staff published an annual report which contained various statistics about the program and that this report was beneficial to appraisal districts. Mr. Hall commented that at one time there were county summary reports available on the program’s Web site. He stated that these reports were helpful and that he would like to see it return. Mr. Ron Hatlett, TCEQ staff, explained that staff had lost the ability to prepare the county reports and to gather appropriate statistical information during a computer software upgrade and that a new upgrade was in process and these reports would once again be available.

VII. Adjourn

A motion to adjourn was made at 11:32 a. m. The motion passed.

VII. Action Items

- Committee members will evaluate staff handouts and be prepared to offer comments at the next meeting.
- Staff will update the proposed annual report by adding information about the December 6 meeting and updating the travel reimbursement costs and staff hours.
- Staff will develop examples illustrating the issues listed on the Equipment and Categories List Issues document and provide them to the committee.

Next Meeting Date

To be determined.