

Texas Commission on Environmental Quality (TCEQ)  
Chief Engineer's Office  
Tax Relief for Pollution Control Property Advisory Committee Meeting  
November 18, 2011  
10:01A.M. – 11:18P.M.  
TCEQ, Austin Campus, Building E, Room 201S

# Minutes

## ***Opening Remarks***

1. Call to order and recognition of committee members for the record.  
Mr. Bob Adair called the meeting to order at 10:01 a. m. with ten members present. Mr. Mike Nasi, Mr. Bennett Sandlin, and Judge Eddie Arnold did not attend.
2. Public comments policy discussion.  
Mr. Adair re-stated the public comment policy. No action was taken.
3. General comments from committee members and staff.  
No comments were received.

## ***Consider Advice to Exclude Tier I Applications for Locations with Certain NAICS Codes***

This issue was discussed during the August 22 meeting and was placed on the agenda to see if additional discussion was required. There was agreement that the current review policy is effective and that no changes were required. No action was taken.

## ***Consider Clarification of "owns" in §11.31(a)***

Mr. Adair presented a [proposal](#) to revise program guidance so that an applicant can be an owner or agent of the owner. A copy of [Texas Tax Code §11.31\(a\)](#) was distributed. The issue of who qualifies as an owner for the purpose of receiving a use determination was discussed. No action was taken.

## ***Consider TCEQ staff's request for advice (continued from 2/11 meeting)***

Discussion on proper rule citation for certain items on the Equipment and Categories List (ECL) including recycling equipment, property installed to meet a best management practice (BMP), and hazardous material storage areas.

During the December 6, 2010 meeting, staff requested assistance in determining the appropriate rule citations for several items listed on what was then called the ECL (now the Tier I Table). The primary issue is how specific does a rule need to be in order to qualify as an appropriate citation.

Mr. Robert Castor presented a [concept memo](#) about the proper method for citing to a BMP. After a discussion of this memo, it was decided that TCEQ Legal staff would draft proposed language for inclusion in agency guidance. A motion was passed requesting that the proposal be presented at the next advisory committee meeting.

There was no discussion regarding recycling equipment or hazardous materials storage areas.

## ***Planning for 2011 Annual Report of Advisory Committee***

A copy of the [2010 Annual Report](#) was provided for review. Mr. Adair will develop a draft 2011 Annual Report and circulate for review.

### ***Other***

1. Old Business

Mr. Adair opened the discussion on new business by reminding members that the Chair serves a one-year term. The election will be at the next meeting which according to the bylaws must happen during the first quarter. There was general agreement that the meeting should occur in January or February. No action was taken.

2. New Business

House Bill 2280 requires that at least one member of the committee be from a school or community college district. In addition, six of the committee positions expire at the end of this year. Staff was asked to explain the status of the nomination and re-nomination process. It was explained that the Executive Director's proposal is scheduled for the December 7, 2011, agenda.

3. Future Meetings

Mr. Adair will work towards scheduling the next meeting during the first quarter of 2012.

4. Public Comments

Mr. John Kennedy, Texas Taxpayers and Research Association, and Mr. Bernardo Garcia, Harris County Appraisal District, both provided comments regarding item three of the agenda: *consider clarification of "owns" in §11.31(a)*.

5. Other documents provided:

[Use Determination for Pollution Control Property Application, Form TCEQ-00611 Instructions](#)  
[30 TAC §17 Tax Relief for Property Used for Environmental Protection](#)

## ***Adjourn***

A motion to adjourn was passed at 11:18 a.m.

## ***Action Items***

- Mr. Adair will draft a 2011 Annual Report and circulate for review.
- Mr. Reidy, TCEQ Legal, will review TCEQ's [BMP document](#) and Mr. Castor's [BMP memo](#) for the purpose of drafting language for inclusion in [Property-Tax Exemptions for Pollution Control Property, RG-461](#).

## ***Next Meeting Date***

To be determined.