

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:01 AM.
2. All committee members were present except Mr. Lloyd Graham.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. No general comments were received from committee members or staff.

Status and timeline of TCEQ proposed revisions to 30 TAC Chapter 17

Mr. Adair opened the discussion by asking TCEQ staff to provide a status update and a timeline for the rule adoption. Mr. Chance Goodin, TCEQ staff, stated that staff is currently preparing responses to comments and drafting the proposed adoption package. Agency policy limits staff's ability to share draft rule language before it is posted as backup material for a commission agenda.

The timeline for rule adoption is:

7/18/2014 Adoption package to Chief Clerk (publically available)
8/06/2014 Adoption on commissioners' agenda
8/22/2014 Adoption published in *Texas Register*
8/28/2014 Amended rules become effective

History of Tier III from TCEQ including origin of by-product in Cost Analysis Procedure (CAP), rationale of change from by-product to marketable product, and alternatives to Cost Analysis Procedure considered

Mr. Adair reminded members of the e-mail from Mr. Goodin stating that due to the limited time between the request for this information and the meeting date, staff would be unable to adequately prepare for the discussion. Mr. Adair explained that TCEQ management had been approached and asked if there was interest in starting a new rulemaking that would consider revisions to the CAP. A quick response was anticipated and Mr. Adair will convey the response to the committee. No action was taken.

Discuss marketable product and/or other partial use determination factors in 30 TAC §17.17

Mr. Adair opened discussion of the CAP and its associated variables by stating that this would be a continuation of previous discussions. Mr. John Kennedy, Texas Taxpayers and Research Association, provided a discussion of the CAP's potential limitations for correctly determining the portion of a piece of production equipment that is related to pollution control or prevention. Concerns were expressed about how each variable of the CAP is defined in the rule. A suggestion was made to solicit suggestions for improving the partial use determination calculation and the discussion was tabled pending the receipt of this input.

Other

1. Old business

None

2. New business

Mr. Mike Nasi suggested that staff consider providing regular seminars designed to enhance staff/applicant communication. The meeting would be in two parts with the first part being an explanation by staff of the application process, including providing examples of correctly completed applications. The second part would be an open discussion during which attendees and staff could discuss program-related concerns and issues. Mr. Adair will develop a proposal for these seminars and present it to the committee.

3. General comments

No comments were received.

Action Items

Mr. Adair will provide TCEQ management's response relating to the question of beginning a separate rulemaking to address partial use determination issues to the members.

Committee members are to solicit input from associations and organizations about improvements that could be made to the partial use determination process.

Mr. Adair will develop a proposal for the seminars described under New Business and present it to the committee.

Adjourn

The meeting adjourned at 11:08 AM.