

Texas Commission on Environmental Quality (TCEQ)  
Office of Air  
Tax Relief for Pollution Control Property Advisory Committee  
February 16, 2018  
10:01 A.M. - 10:29 A.M.

## **Minutes**

### ***Opening Remarks***

1. Mr. Bob Adair called the meeting to order at 10:01 A.M.
2. All committee members except Dr. Cyrus Reed attended the meeting.
3. Mr. Bill Longley was welcomed to the Committee as a new member and gave a brief overview of his background.
4. Mr. Adair re-stated the public comment policy. No action was taken.
5. General comments from committee members and TCEQ staff were solicited. No comments were received.

### ***Annual Election of Chairman (required by Committee bylaws)***

Mr. Adair stated he was available for another term as chairman, but was not running for the position. Mr. Don Lee made a motion to nominate Mr. Adair and Mr. Greg Maxim seconded. The committee elected Mr. Adair as 2018 Chair.

### ***Review and possibly approve draft 2017 report of the Advisory Committee***

Mr. Adair briefly reviewed the report, which he previously sent to the committee members. No revisions were suggested during the meeting. Mr. Wayne Frazell made a motion to accept the report and for Mr. Adair to add a date to and sign the report. Mr. Lee modified the motion so committee members could make nonsubstantive changes through the middle of next week before adding a date and signature to the report. The motion passed. Mr. Adair will send the report to Ms. Shelley Naik of TCEQ when the report is final.

### ***TCEQ staff update on electronic Prop 2 applications process via STEERS (State of Texas Environmental Electronic Reporting System)***

Ms. Naik stated the application was available online in September 2017, the first application was received in November 2017, and that 70 applications had been received online to date. The turnaround time for applications received online has been quick. Staff has received compliments on the system and no complaints have been received. Mr. Adair asked if the process for notifying appraisal districts changed. Ms. Naik stated that letters were sent to each appraisal district asking if they would like to receive notifications electronically to supply an e-mail address. Mr. Roland Bieber asked if appraisal districts could receive both paper and electronic notifications. Ms. Naik said that option is available, but no appraisal districts had requested it.

### ***TCEQ staff update on Heat Recovery Steam Generators (HRSG) appeals***

Mr. Don Redmond, TCEQ Legal, gave a review of the legal actions to date and explained that the HRSG appeals had been split between the Austin and El Paso Courts of Appeal. The El Paso court heard the Tier III appeals. The court upheld the district court's finding in favor of the negative determinations. The El Paso court decision was appealed and the Texas Supreme Court has asked for a

briefing from TCEQ on the case. It is not known if the court will take up the case. The Tier IV appeals were heard by the Austin court, which ruled in favor of the appellants and reversed the district court's ruling. The deadline to file a petition for review has not yet passed, although it is likely that TCEQ will request a petition for review.

Mr. Adair commented that the committee could serve as a sounding board for items related to these legal actions. Mr. Mike Nasi stated it may be premature for the committee to get involved until further legal action, such as a remand, is taken.

### ***Other***

#### **1. *Old Business***

There was no old business discussed.

#### **2. *New Business***

Mr. Bieber requested that the process to file an appeal be more visible on the website. Ms. Naik said she would make the information more visible.

Mr. Adair discussed the value of having in-person meetings and meetings via conference call. Mr. Adair said he feels that in-person meetings make the committee more available to the public and thought it's a good idea to have at least half the meetings in-person. Michael Ford agreed. Mr. Bieber suggested it might be best to have at least three of the quarterly meetings in-person and that the committee meet via conference calls if matters need to be addressed between the quarterly meetings.

Mr. Lee requested an update on when the rules will come up for review. Mr. Adair responded and Ms. Naik confirmed that there is one year before the review. Mr. Lee mentioned that the committee could start inviting stakeholder input for the review.

Mr. Lee requested information on personnel changes in the Tax Relief program. Mr. Ron Hatlett of TCEQ stated that one staff member left a few months ago, that advertising for that position has been reopened, and that he would be retiring at the end of May. Mr. Lee recognized Mr. Hatlett for his work in the program.

### ***Other General Comments from the Public***

None

### ***Action Items***

Committee members will send comments on the Annual Report to Mr. Adair who will make edits, then date and sign the report before sending it to TCEQ. TCEQ will make the appeal process more visible on the website.

### ***Adjourn***

The meeting adjourned at 10:29 A.M.