

Texas Commission on Environmental Quality (TCEQ)  
Office of Air  
Tax Relief for Pollution Control Property Advisory Committee  
February 26, 2020  
10:00 A.M. - 10:33 A.M.

## **Minutes**

### ***Opening Remarks***

- a. Bob Adair called the meeting to order at 10:00 A.M.
- b. The following Tax Relief for Pollution Control Property Advisory Committee (Committee) members were present: Bob Adair, Charles Allred, Daryl Attaway, Roland Bieber, Michael Ford, Lloyd Graham, Adam Haynes, Justin Hyland, Timothy Jones, Bill Longley, Greg Maxim, Mike Nasi, and Cyrus Reed.
- c. Bob Adair re-stated the public comment policy. No action was taken.
- d. New Committee members, Adam Haynes and Justin Hyland, were welcomed and introduced themselves to the committee.
- e. General comments from Committee members and the public were solicited. No comments were received.

### ***Orientation for new Advisory Committee members (law, bylaws, other guidance)***

Prior to the meeting, Bob Adair circulated an [Overview of Law, Bylaws and Guidance for Committee Members](#) to the Committee members. Bob reviewed the document at the meeting, as an introduction for new committee members and to provide a reminder of the bylaws and expectations for the other members. No comments were made by the Committee regarding this document.

### ***Election of 2020 Advisory Committee Chair (annual election required by Committee bylaws)***

Greg Maxim made a motion to nominate Bob Adair, and it was seconded by Bill Longley. No other nominations were made. The committee elected Bob Adair as the 2020 Chair.

### ***Review and revise/approve the draft 2019 annual report of the Advisory Committee***

Prior to the meeting, Bob Adair circulated a draft [2019 Annual Report of the Advisory Committee](#) and [Cover Letter](#) to the Committee members. Bob stated that pages 4 and 5 of the report contained most of the revisions and reflected the costs and activities of 2019. Bob also stated that he would correct some hyperlink and spacing errors.

Adam Haynes requested information about the cost of the program and referenced TCEQ annual reports. Adam asked if a breakdown of the costs of the program would include costs associated with the committee in the program's annual report. Donna Huff, with the TCEQ, said the program is funded through fees collected and a rider issued by the Texas Legislature, and said TCEQ has enough funding to run the program. Adam asked if the TCEQ expects to collect \$293,000 in application fees to cover the appropriation made by the legislature for the biennium. Donna said we would get back to the committee with the information about how much money is collected from fees.

A motion to approve the draft report with the stated changes was made by Bill Longley and seconded. The motion passed unopposed.

### ***Status of pending revised 30 TAC Chapter 17 TCEQ Tax Relief rules***

Nikki Clark, with the TCEQ, stated that a decision has not been made on potential rulemaking regarding the Committee's advice.

Donna Huff explained the process to start rulemaking and that official approval to begin rulemaking has not yet been received from the executive director. Donna added that potential items to be included in the rulemaking included the Committee's advice from 2018 regarding changes to the Tier I Table and 2019 regarding heat recovery steam generators (HRSGs). Bob Adair asked what the timeline for the rulemaking might be, specifically if it would be completed by the end of the year. Donna said the latest estimated timeline is for adoption before January 2021.

Daryl Attaway asked about recently issued use determinations for HRSGs. Donna stated that use determinations for the HRSG applications that were remanded by the Texas State Supreme Court have been issued. Donna clarified that rules for future HRSG applications going forward had not been proposed or adopted and that if a HRSG application was submitted, it would be reviewed based on current rules.

Daryl asked if the TCEQ staff received a minority report regarding the Committee's vote on HRSG advice submitted to the TCEQ. Nikki Clark responded that one had not been received.

Cyrus Reed asked for a summary of the use determinations that were made on the remanded applications. Donna said the use determination percentages ranged from about 40% to one with over 65%. Donna also said a summary would be provided to the Committee. Cyrus cautioned staff against assuming that the recommendations made by the majority of the committee would be adopted in the rules and asked that this be considered when new applications are received.

Roland Bieber asked what would happen for HRSG applications for tax year 2020. Donna said no HRSG applications have been received and that if a HRSG application was submitted, it would be reviewed based on current rules. Nikki also added that if an application were received, a positive use determination would be issued.

### ***Other***

No old business was discussed.

Nikki Clark introduced Guy Hoffman as the new manager for the Air Quality Planning Section, which encompasses the Tax Relief Program.

No other comments from the public were made.

### ***Action Items***

The TCEQ will gather information about how much money is collected from fees and provide it to the committee.

The TCEQ will provide a summary of use determinations made on the remanded HRSG applications to the committee.

### ***Adjourn***

The meeting adjourned at 10:33 A.M.