

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee
February 22, 2024
Meeting held online and by phone
10:02 A.M. - 10:24 A.M.

Minutes

Opening Remarks

Bob Adair called the meeting to order at 10:02 A.M.

The following Tax Relief for Pollution Control Property Advisory Committee (Committee) members were present: Bob Adair, Charles Allred, Michelle Carder, Lloyd Graham, Justin Hyland, Hugh Landrum, Martha Landwehr, Bill Longley, Greg Maxim, and Dr. Cyrus Reed. Quorum was met.

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

Bob Adair asked for comments from Committee members.

Bob Adair congratulated six committee members who were reappointed to the Advisory Committee in December 2023 for a four-year term expiring December 31, 2027: Lloyd Graham, Adam Haynes, Justin Hyland, Greg Maxim, Michael Nasi, and Dr. Cyrus Reed.

Bob Adair announced Roland Bieber resigned from the Committee and expressed his gratitude for Roland's service to the Committee.

Elizabeth Sartain with TCEQ announced TCEQ's new Executive Director is Kelly Keel. Elizabeth also announced Commissioner Emily Lindley left TCEQ and the new Commissioner is Catarina Gonzales.

Dr. Cyrus Reed asked if Catarina Gonzales has been sworn in. Don Redmond with TCEQ confirmed she has been sworn in.

Election of 2024 Advisory Committee Chair (annual election required by Committee bylaws)

Bob Adair stated that though he is not running for Chair, he is available to serve. He opened the floor for nominations.

Greg Maxim nominated Bob Adair for Chair, and Hugh Landrum seconded the nomination. The motion was approved unanimously.

Bob Adair was re-elected as the 2024 Committee Chair.

Review and revise/approve the draft 2023 annual report of the Advisory Committee

Bob Adair reviewed the purpose of the report and stated that Charles Allred caught errors with the TCEQ links and discovered some of the links were old. Bob Adair asked if there were any comments or questions.

Dr. Cyrus Reed asked if the report should include a note that legislation affecting Tax Code §11.31, House Bill (HB) 3355 and House Joint Resolution (HJR) did not pass in the legislature.

Elizabeth Sartain confirmed neither item passed in the legislature.

Dr. Cyrus Reed suggested that the status of the bills be included in the report. Bob Adair agreed.

Bill Longley made a motion to approve the report as amended. Dr. Cyrus Reed seconded the motion. Bob Adair asked if there was any discussion. The motion was approved unanimously.

Update from TCEQ staff regarding new pending EPA rules for methane for oil and gas facilities, coal combustion residue, and other property

Elizabeth Sartain stated EPA signed the final rule for methane for oil and gas but has not been published in the *Federal Register*. A review of the final rule is still ongoing before publication. No updates on coal combustion residue.

Dr. Cyrus Reed stated the Railroad Commission of Texas sent a letter to the Attorney General to review the rule. He also stated to expect delays in the implementation of the rule due to litigation.

Elizabeth Sartain stated EPA finalized a new particulate matter standard. On February 7, 2024, the standard was revised from 12 micrograms per cubic meter to 9 micrograms per cubic meter. What this means for the State of Texas is to be determined but could result in additional controls being required.

Dr. Cyrus Reed asked if new facilities applying for permits would need to comply with the new standard.

Martha Landwehr stated once the rule is officially in effect, which is 60 days after publication, any issued permits from that date forward would have to comply with the new standard.

Dr. Cyrus Reed added the Committee may need to review the Tier I Table list to see if pollution control for PM_{2.5} is already on the list.

Greg Maxim asked Dr. Cyrus Reed if facilities are grandfathered in unless there is a rebuild. Dr. Cyrus Reed stated he did not know the answer to that, but probably not until they come back.

Bob Gifford with TCEQ stated the effort will start after nonattainment areas have been determined and will take time.

Bob Adair stated when the time comes, the Committee will need to consider additional items that might be eligible to add to the Tier I list or on additional rules that the Committee should advise on.

Dr. Cyrus Reed asked for an update on the greenhouse gas rule that would require power plants to meet certain standards and would require carbon dioxide emissions reductions.

Elizabeth Sartain will look into it and get back to the Committee.

Dr. Cyrus Reed stated the Supreme Court is reviewing an updated version of the Good Neighbor Rule that was approved to EPA.

Old business

No old business was discussed.

New business

Bob Adair stated the meeting dates for 2024 have been posted on TCEQ's website: May 20, August 16, and November 5. He also stated the Agenda Room will not be available for May 20 and August 16 and the Committee meeting will be held in another room.

Elizabeth Sartain confirmed the meetings will be in Building F and will be updated on the website and agenda.

Other comments from the public

There were no comments from the public.

Adjourn

A motion to adjourn was made by Dr. Cyrus Reed with a second from Greg Maxim.

The meeting adjourned at 10:24 A.M.