

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee
November 12, 2021
10:00 A.M. - 10:33 A.M.

Minutes

Opening Remarks

Bob Adair called the meeting to order at 10:00 A.M.

The following Tax Relief for Pollution Control Property Advisory Committee (Committee) members were present: Bob Adair, Charles Allred, Roland Bieber, Adam Haynes, Justin Hyland, Hugh Landrum, Greg Maxim, Mike Nasi, and Dr. Cyrus Reed. Quorum met.

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

Bob Adair asked for comments from Committee members or TCEQ staff. There were none.

Update of planned appointments and/or reappointments to Advisory Committee

Elizabeth Sartain with the TCEQ stated that nominations for all positions with expiring terms are scheduled to go to agenda on December 15, 2021.

Bob Adair asked when the names of the nominees will be made public.

Elizabeth Sartain stated that the TCEQ expects them to be made available on November 23, 2021.

Dr. Cyrus Reed requested an update on how the Heat Recovery Steam Generator (HRSG) cases were resolved, specifically asking for the number of positive use determinations and the range of percentages approved.

Elizabeth Sartain said that the cases that were remanded to the TCEQ by the Texas Supreme Court resulted in issuance of positive use determinations prior to adoption of the rulemaking that placed HRSGs on the Tier I Table. She agreed to provide a summary of that information, including the use percentages that were approved.

Triennial review of the following required by Tax Code §11.31(l) and 30 TAC §17.14(b):

Nonexclusive List in Tax Code §11.31(k) and Figure: 30 TAC §17.17(b) and

Tier I Table in Figure: 30 TAC §17.14(a)

Bob Adair asked Elizabeth Sartain to present the TCEQ Summary of Tier II Applications Received Between April 2018 and April 2021 that Resulted in a Positive Use Determination (PUD) that was provided as an attachment to the agenda and to provide a brief description of each item that is not yet on the Tier I Table.

Elizabeth Sartain presented the items on the list and confirmed that all property on the list was for Tier II applications approved as 100% for pollution control.

Some Committee members expressed concern that sound was being considered a pollutant for environmental regulation and requested more information on the subject for the next meeting.

Bob Adair asked Elizabeth Sartain to provide an overview of the triennial review process.

Elizabeth Sartain explained that the Commission last met its obligation to complete the

triennial review in December 2020, and the next review is anticipated to be completed by December 2023. It is up to the Committee to decide if they want to provide advice, and staff requests that any such advice be submitted from the Committee by December 2022. The Executive Director will review rules and consider any of the Committee's advice to make any recommendations to the Commission. If there is other rulemaking being considered for the program, they may be combined.

Bob Adair asked TCEQ staff to provide notes to the Committee members at the next meeting.

Bob Adair invited the Committee members to offer suggestions for other topics on which the Committee may want to advise the Commission.

Dr. Cyrus Reed suggested the reduction of methane emissions in the oil and gas industry as a topic that the Committee may want to look at.

Greg Maxim requested staff provide copies of the amine regeneration applications listed on the summary.

Dr. Cyrus Reed suggested performance standards for storage tanks as a topic the Committee may want to look at.

Appreciation of Committee members Mike Ford and Tim Jones

Bob Adair expressed appreciation to Mike Ford and Tim Jones for their years of service. Their terms will end, and they did not apply for reappointment to the Committee.

Old Business

None

New Business

None

There were no comments from the public.

Adjourn

A motion to adjourn was made by Dr. Cyrus Reed with a second from Adam Haynes.

The meeting adjourned at 10:33 A.M.