

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory Committee Conference Call
September 15, 2014
10:02 AM – 10:15 AM

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:02 AM.
2. All committee members were present except Dr. Cyrus Reed.
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. Don Redmond of TCEQ's Environmental Law Division stated the rule was adopted by the commission and published in the *Texas Register* September 22, 2014. The rulemaking is final.

Update on TCEQ Prop 2 decisions that may have broad application for the Advisory Committee (Air Products, etc.)

Mr. Redmond responded on September 24, 2013 the commission denied the appeal and upheld the negative use determination for the Air Products application, which dealt with carbon dioxide (CO₂) capture and sequestration. The negative use determination was based on the applicant not citing an environmental law, rule, or regulation met or exceeded by use of the application equipment. Mr. Adair stated that providing advice on specific applications is not within the purview of the committee. Mr. Mike Nasi referenced item B-16 on the list contained in Texas Tax Code §11.31(k), recent United States Environmental Protection Agency (EPA) rulemaking, and a Supreme Court ruling pertaining to regulating CO₂. He asked if these actions satisfied the trigger requirement of B-16; i.e., "This item is only in effect upon the effective date of an EPA final rule regulating carbon dioxide as a pollutant." Mr. Redmond explained that applications are evaluated individually. This review includes verifying that the rule(s) cited by the applicant apply to the application equipment.

Mr. Bennett Sandlin indicated interest in pursuing this question further after the committee members and staff have time to prepare for the discussion.

Other

1. **Old business**
None
2. **New business**
None
3. **General comments**
No comments were received.

Action Items

Mr. Nasi will prepare information for the discussion of CO₂ capture and sequestration at a future meeting.

Adjourn

The meeting adjourned at 10:16 AM.