

Texas Commission on Environmental Quality (TCEQ)
Office of Air
Tax Relief for Pollution Control Property Advisory
Committee March 31, 2017
10:00 A.M. - 10:35 A.M.

Minutes

Opening Remarks

1. Mr. Bob Adair called the meeting to order at 10:00 A.M.
2. All committee members attended the meeting.
3. Mr. Adair re-stated the public comment policy. No action was taken.
4. General comments from committee members and TCEQ staff were solicited. No comments were received.

Welcome new Advisory Committee member Tim Jones

Mr. Adair welcomed Mr. Jones and asked him to share with the committee his background. Mr. Jones has worked for Samsung for 11 years and is a manager in the environmental and regulatory affairs group. He has 20 years of experience in the environmental field including hazardous waste and a period working with TCEQ in Small Business and Environmental Assistance in addition to his tenure with Samsung.

Review and Approve Draft Annual Report of the Advisory Committee

There was no discussion of the report content. Mr. Bennett Sandlin moved to approve the report, Mr. Don Lee seconded the motion, and all committee members concurred. Mr. Adair stated he would forward the report to TCEQ on Monday.

Proposed Legislation

TCEQ is not able to express opinions regarding the content of pending legislation. Senate Bill (SB) 2028 and House Bill (HB) 4219 apply to the Tax Relief Program. The bills and their status are available at the following links: [SB 2028](#) and [HB 4219](#).

TCEQ Report on success/issues with Core Data Form

Mr. Ron Hatlett of TCEQ staff stated that applicants have expressed little difficulty in completing the Core Data Form in addition to the Tax Relief Application. Mr. Hatlett also discussed the status of the plan to implement an electronic submission process for use determination applications. The agency anticipates the computer program will be available at the end of the fiscal year. Prior to placing the new program into production, there will be testing including testing completed by individuals who file use determination applications. The agency expects that the electronic filing process will make the use determination application and review process more efficient for applicants and agency staff.

Other

1. Old Business

Mr. Wayne Frazell requested a status update regarding the Heat Recovery Steam Generator (HRSG) appeals. Mr. Don Redmond, TCEQ Legal Staff, explained the current status. The courts separated the appeals into two groups based on the Tier level of the application. The Tier III appeals were heard by the Austin District Court and the negative determinations were upheld. The applicant

appealed and the appeal was sent to the El Paso Court of Appeals. Both sides have filed briefs with the court. The hearing date is expected to occur in April.

The appeal of the negative determinations for the Tier IV applications was heard by the Austin District Court. A ruling upholding the negative determinations was issued. The applicants appealed. The appeals have been assigned to the Austin Court of Appeals. The Court has been partially briefed. The Agency expects the hearing to take place in the summer.

2. *New Business*

There was no new business discussed.

Other General Comments from the Public

None

Action Items

TCEQ staff will keep the committee informed of progress in the development of the electronic application process.

Adjourn

The meeting adjourned at 10:35 A.M.