

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

USE DETERMINATION

The Texas Commission on Environmental Quality has reviewed Use Determination Application, 13868, filed by:

AMERICAN MARAZZI TILE INC
AMERICAN MARAZZI TILE INC
359 CLAY RD
SUNNYVALE TX 75182

The pollution control property/project listed in the Use Determination Application is:

Installed three new dust collectors, hoods, and dust collection systems. Constructed eleven new stacks and modified one existing stack. Constructed a new clay storage facility. Installed wastewater treatment systems. Constructed a storm water diversion system.

The outcome of the review is:

A positive use determination of 100% for the three new dust collectors, hoods, and dust collection systems; the new clay storage facility, the wastewater treatment systems, and the stormwater diversion system. A positive use determination of the 100% of portion of the costs of the eleven new stacks and the one modified stack that is related to pollution control. The pollution control portion of a stack is that portion of the stack height that is additional to the stack height required to operate the equipment attached to the stack.

This equipment is considered to be pollution control equipment and was installed to meet or exceed federal or state regulations.

A handwritten signature in cursive script, appearing to read "Mark R. Vickery".

Executive Director

8/18/2009

Date

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
August 18, 2009

AMERICAN MARAZZI TILE INC
STEVEN T WIEDERWAX
259 CLAY RD
MESQUITE, TX 75182

This letter is to inform you that on August 18, 2009, the technical review of Use Determination Application 13868 was completed. This application is for:

AMERICAN MARAZZI TILE INC
AMERICAN MARAZZI TILE INC
359 CLAY RD
SUNNYVALE, TX 75182

The use determination is included with this letter. In order to request an exemption, a copy of this Use Determination, along with a completed exemption request form #50-248 (can be found at www.cpa.state.tx.us), must be provided to the Chief Appraiser of the appropriate appraisal district by April 30 of the appropriate tax year.

House Bill 3121, enacted during the 77th Legislative Session, established a process for appealing a use determination. The Texas Commission on Environmental Quality (TCEQ) rules that implement the appeals process are at 30 TAC 17.25. Pursuant to 17.25(a)(1), an appeal must be filed within 20 days of receipt of the use determination. Should you choose to appeal the use determination, please submit a copy of your appeal to the TCEQ Tax Relief for Pollution Control Property program at the time of filing the appeal with the Chief Clerk of the commission.

If you have any questions or require any additional information, please contact the Tax Relief for Pollution Control Property Program at (512) 239-6348.

Sincerely,

A handwritten signature in black ink, appearing to read "Susana M. Hildebrand".

Susana M. Hildebrand, P.E.
Chief Engineer

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 18, 2009

CHIEF APPRAISER
DALLAS COUNTY APPRAISAL DISTRICT
2949 N STEMMONS FRWY
DALLAS, TX 75247

This letter is to inform you that on August 18, 2009, a final determination was issued with regard to Use Determination application 13868, filed by:

AMERICAN MARAZZI TILE INC
AMERICAN MARAZZI TILE INC
359 CLAY RD
SUNNYVALE TX 75182

A copy of the use determination is included with this letter. House Bill 3121, enacted during the 77th Legislature Session, established a process for appealing a use determination. The Texas Commission on Environmental Quality (TCEQ) rules that implement the appeals process are at 30 TAC 17.25. Pursuant to 17.25(a)(1), an appeal must be filed within 20 days of receipt of the use determination. Should you choose to appeal the use determination, please submit a copy of your appeal to the TCEQ Tax Relief for Pollution Control Property program at the time of filing the appeal with the Chief Clerk of the commission.

In order to qualify for a tax exemption, the applicant must file an exemption request with your appraisal district. This exemption request must be accompanied by a copy of the positive use determination issued by the TCEQ. If you have any questions regarding this Use Determination or the appeals process, please call my staff in the Tax Relief for Pollution Control Equipment Program at 512/239-6348.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susana M. Hildebrand".

Susana M. Hildebrand, P.E.
Chief Engineer

TAX RELIEF FOR POLLUTION CONTROL PROPERTY: TECHNICAL REVIEW DOCUMENT

Reviewed By: RLH App. No.: 13868 Review Start Date: 7/9/2009
Company Name: AMERICAN MARAZZI TILE INC
Facility Name: AMERICAN MARAZZI TILE INC
County: DALLAS Outstanding Fees: N
Batch/Voucher Number: 510674 Receipt Number: 929029
ADMINISTRATIVE REVIEW
Administrative Complete Date: 7/3/2009

TIER LEVEL

What Tier is this application? Is this the appropriate level?

This equipment is on the ECL. This is a Tier I application.

RELEVANT RULE, REGULATION, OR STATUTORY PROVISION

The rule listed in the application is: 40 CFR 60.672

The appropriate rule is: 40 CFR 122

Explain why this is the appropriate rule?

For each of the types of property listed on this application there is an appropriate rule cited.

BRIEF DESCRIPTION OF PROPERTY

The property is described as:

Installed three new dust collectors, hoods, and dust collection systems. Constructed eleven new stacks and modified one existing stack. Constructed a new clay storage facility. Installed ~~X~~ wastewater treatment systems ~~X~~ Constructed a stormwater diversion system.

Is an adequate description and purpose of the property provided? Does it list the anticipated environmental benefits? Are sketches and flow diagrams provided if needed?

The description is adequate.

DECISION FLOWCHART (30 TAC 17.15(a)) [Old DFC I=7, II=9, III=10]

Mark the appropriate boxes: Box 3 Y Box 5 Y Box 6(IV) ~~Y~~ Box 10(III) ~~Y~~ Box 12(I) Y Box 13(II) ~~Y~~

PART B DECISION FLOWCHART (17.15(b))

Mark the appropriate boxes: Box 1 X Box 2 X Box 3 X

Describe how the property flowed through the Decision Flowchart:

This equipment was installed in order to meet environmental requirements, an environmental benefit occurs at the site, and they are listed on the ECL. Yes answers to boxes 3, & 5. The Tier I items leave at box 12.

TIER III or IV APPLICATIONS

Does your calculation agree with the applicants?

This is a Tier I application

PROPERTY CATEGORIES AND COSTS

Is the table completed correctly? Has the applicant certified that all listed property became taxable for the first time after January 1, 1994? Is all information necessary for conducting the technical review included.

The table is completed correctly.

TECHNICAL DEFICIENCIES

Is the application complete as received: N If the application was not administratively complete explain below when justifying the final decision in the final determination section. If the application was not technically complete then:

Provide the language to be used in the Notice of Deficiency (NOD) letter:

What subsection of 40 CFR 60 Subpart OOO requires the construction or use of a clay storage facility?

Summarize the NOD response:

Answered all questions.

Provide the language used in the second NOD letter:

Summarize the second NOD response:

Provide the language used in the third NOD letter:

Summarize the third NOD response:

FINAL DETERMINATION

If the property description has been summarized enter the detailed property description:

Installed three new dust collectors, hoods, and dust collection systems. Constructed eleven new stacks and modified one existing stack. Constructed a new clay storage facility. Installed ~~4~~ wastewater treatment systems ~~6~~ Constructed a stormwater diversion system.

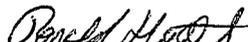
Provide the reason for your final determination:

All of the equipment listed on the application is equipment which is listed on the ECL. Valid rules are cited and an environmental benefits being provided. A positive use determination should be issued.

Provide the language for the final determination.

A positive use determination of 100% for the three new dust collectors, hoods, and dust collection systems; the new clay storage facility, the wastewater treatment systems, and the stormwater diversion system. A positive use determination of the 100% of portion of the costs of the eleven new stacks and the one modified stack that is related to pollution control. The pollution control portion of a stack is that portion of the stack height that is additional to the stack height required to operate ~~the~~ the equipment attached to the stack.

Required signatures and date signed.

Reviewed: 

Date Signed: 7/24/2009

Peer Reviewed: 

Date Signed: 7/31/09

Work Lead: 

Date Signed: 8/6/09

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR USE DETERMINATION
FOR POLLUTION CONTROL PROPERTY**

The TCEQ has the responsibility to determine whether a property is a pollution control property. A person seeking a use determination must complete the attached application or a copy or similar reproduction. For assistance in completing this form refer to the TCEQ guidelines document, *Property Tax Exemptions for Pollution Control Property*, as well as 30 TAC §17, rules governing this program. For additional assistance please contact the Tax Relief for Pollution Control Property Program at (512) 239-3100. The application should be completed and mailed, along with a complete copy and the appropriate fee, to: TCEQ MC-214, Cashiers Office, PO Box 13088, Austin, Texas 78711-3088.

Information must be provided for each field unless otherwise noted.

1. GENERAL INFORMATION

A. What is the type of ownership of this facility?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietor |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Utility |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Other: |

B. Size of company: Number of Employees

- | | |
|--|---|
| <input type="checkbox"/> 1 to 99 | <input type="checkbox"/> 1,000 to 1,999 |
| <input checked="" type="checkbox"/> 100 to 499 | <input type="checkbox"/> 2,000 to 4,999 |
| <input type="checkbox"/> 500 to 999 | <input type="checkbox"/> 5,000 or more |

C. Business Description: (Provide a brief description of the type of business or activity at the facility)

Ceramic Tile Manufacturer

2. TYPE OF APPLICATION

- | | |
|--|---|
| <input checked="" type="checkbox"/> Tier I \$150 Fee | <input type="checkbox"/> Tier III \$2,500 Fee |
| <input type="checkbox"/> Tier II \$1,000 Fee | <input type="checkbox"/> Tier IV \$500 Fee |

NOTE: Enclose a check, money order to the TCEQ, or a copy of the ePay receipt along with the application to cover the required fee.

3. NAME OF APPLICANT

- A. Company Name: American Marazzi Tile, Inc.
B. Mailing Address (Street or P.O. Box): 359 Clay Road
C. City, State, and Zip: Sunnyvale, TX 75182

4. PHYSICAL LOCATION OF PROPERTY REQUESTING A TAX EXEMPTION

- A. Name of Facility or Unit: American Marazzi Tile, Inc.
B. Type of Mfg. Process or Service: Ceramic Tile Manufacturer
C. Street Address: 359 Clay Road
D. City, State, and Zip: Sunnyvale, TX 75182
E. Tracking Number (Optional): _____
F. Company or Registration Number (Optional): _____

5. APPRAISAL DISTRICT WITH TAXING AUTHORITY OVER PROPERTY

- A. Name of Appraisal District: Dallas
B. Appraisal District Account Number: 9982058000086100

6. CONTACT NAME

A. Company/Organization Name American Marazzi Tile, Inc.
 B. Name of Individual to Contact: Steven Wiederwax
 C. Mailing Address (Street or P.O. Box): 359 Clay Road
 D. City, State, and Zip: Sunnyvale, TX 75182
 E. Telephone number and fax number: 972-226-0110 972-226-0389
 F. E-Mail address (if available): swiederwax@marazzitile.com

7. RELEVANT RULE, REGULATION, OR STATUTORY PROVISION

For each media, please list the specific environmental rule or regulation that is met or exceeded by the installation of this property.

MEDIUM	Rule/Regulation/Law
Air	40 CFR Part 60:672 40 CFR Part 60:Appendix A, 30 TAC 116.111, 30 TAC 111.151
Water	40 CFR 122:26, 403.1, and 403.2
Waste	

8. DESCRIPTION OF PROPERTY (Complete for all applications)

Describe the property and how it will be used at your facility. **Do not simply repeat the description from the Equipment & Categories List.** Include sketches of the equipment and flow diagrams of the processes where appropriate. Use additional sheets, if necessary.

(1) Air, Dust Collection System (ECLs: A-1 and A-180) These systems include three new dust collectors, hoods, dust collection systems to reduce emissions of particulate matter into the atmosphere. These systems collect, filter, and exhaust particulate matter either generated by "affected facilities" regulated by 40 CFR Part 60, Subpart OOO, Non Metallic Processing Plants or 30 TAC 111.151. These systems provide exceed the standards for collection and filtration of particulates to meet emission limitations required by Subpart OOO and/or 30 TAC 111.151 and limit ground level concentrations of hazardous substances to below the Health Effects Screening Levels established by the TCEQ.

(2) Stacks (ECLs 181 and 182): Eleven new stacks and one stack was modified in order to exhaust emissions from either the baghouses noted in (1) above or from other new process equipment. Stacks were constructed or modified to meet the standard stack heights required by 30 TAC 111.151.

(3) Fugitive Emission Control (ECL A-6): A new clay storage facility was constructed to control fugitive particulate emissions from the clay piles to comply with 40 CFR Part 60 Subpart OOO, 30 TAC 111.151, and Special Conditions 11 and 15 or permit no. 19841.

(4) Wastewater Treatment Systems (ECLs 58 and 59): These systems collect and treat process wastewater to remove contaminants from the water to levels required by the National Pollution Discharge Elimination Systems standards and the criteria established by the North Texas Municipal Water District.

(5) Stormwater Diversion System (ECL W-57): This system is designed to control and divert stormwater runoff from manufacturing process areas. This system reduce pollutant loading of stormwater runoff that enters the waters of Texas to the levels required by the National Pollution Discharge Elimination Systems standards for stormwater control.

Land: If a use determination is being requested for land, provide a legal description and an accurate drawing of the property in question.

9. PARTIAL PERCENTAGE CALCULATION

This section is to be completed for Tier III and IV applications. For information on how to conduct the partial percentage calculation, see the application instructions document. Attach calculation documents to completed application.

10. PROPERTY CATEGORIES AND COSTS

List each control device or system for which a use determination is being sought. Provide additional attachments for more than 3 properties.

Property	Taxable on 1/01/94?	DFC Box	ECL #	Estimated Cost	Use %
Land					
Property					
<u>Baghouse Dust Collectors</u>	<u>No</u>	<u>12</u>	<u>A-1</u>	<u>\$1,750,199</u>	<u>0</u>
<u>Dust Collection System</u>	<u>No</u>	<u>12</u>	<u>A-18</u>	<u>\$338,737</u>	<u>0</u>
<u>Stacks</u>	<u>No</u>	<u>12</u>	<u>A-181</u>	<u>\$813,689</u>	<u>0</u>
			<u>& 182</u>		
<u>Clay Storage Shed</u>	<u>No</u>	<u>12</u>	<u>A-6</u>	<u>\$2,614,838</u>	<u>0</u>
<u>Wastewater Treatment</u>	<u>No</u>	<u>12</u>	<u>W-58</u>	<u>\$1,262,079</u>	<u>0</u>
			<u>& 59</u>		
<u>Stormwater Diversion System</u>	<u>No</u>	<u>12</u>	<u>W-57</u>	<u>\$823,404</u>	<u>0</u>
Totals				\$7,602,946	

11. EMISSION REDUCTION INCENTIVE GRANT

(For more information about these grants, see the Application Instruction document).

Will an application for an Emission Reduction Incentive Grant be filed for this property/project?

Yes No

12. APPLICATION DEFICIENCIES

After an initial review of the application, the TCEQ may determine that the information provided with the application is not sufficient to make a use determination. The TCEQ may send a notice of deficiency, requesting additional information that must be provided within 30 days of the written notice.

13. FORMAL REQUEST FOR SIGNATURE

By signing this application, you certify that this information is true to the best of your knowledge and belief.

Name: David Carlile

Date: 6-23-09

Title: Vice President, Finance

Company: American Marazzi Tile, Inc.

Under Texas Penal Code, Section 37.10, if you make a false statement on this application, you could receive a jail term of up to one year and a fine up to \$2,000, or a prison term of two to 10 years and a fine of up to \$5,000.

14. DELINQUENT FEE/PENALTY PROTOCOL

This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol. (Effective September 1, 2006)

Via Email

July 23, 2009

Mr. Ronald Hatlett
Tax Relief for Pollution Control Property Program
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: American Marazzi Tile, Inc.
359 Clay Road
Sunnyvale, TX 75182
Clay Storage Facility
Request for Additional Information

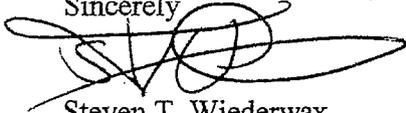
Dear Mr. Hatlett:

The following information is provided in response to your letter of July 10, 2009 that requested information as to what subsection of 40 CFR 60 Subpart OOO required the construction or use of a clay storage facility.

1. 40 CFR §60.671 defines the term Storage bin as: "a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading."
2. 40 CFR §60.672(b) requires affected facilities to meet the fugitive emission limits and compliance requirements in Table 3 of Subpart OOO. Table 3 requires the owner or operator to meet the specified fugitive emission limits for storage bins as well as other specific facilities or operations.
3. At American Marazzi Tile, trucks delivering nonmetallic minerals empty their loads directly into storage bins and not into any screening operation, feed hopper, or crusher. Therefore, the §60.672(d) exemption for truck dumping is not applicable to American Marazzi Tile.
4. Further, as noted in our application, Special Condition No. 11 of our air permit, No. 19841, requires the storage and handling of all raw materials to be inside of a building.

You may contact me either by email at swiederwax@marazzitile.com or by telephone at 972-226-0110 should you have any additional questions.

Sincerely



Steven T. Wiederwax
Safety and Environmental Manager

Ronald Hatlett - AMT Response

From: <SWiederwax@marazzitile.com>
To: <Rhatlett@tceq.state.tx.us>
Date: 7/23/2009 9:34 AM
Subject: AMT Response
Attachments: Scan001.PDF

Ronald

Attached is the response to your letter of July 10, 2009

Steven T. Wiederwax
Safety and Environmental Manager
American Marazzi Tile/Monarch Ceramic Tile
Tel: 972-226-0110 x 2222
Fax: 972-226-0389

This communication and any attachments are privileged and confidential. Any unauthorized receipt, use, or dissemination is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return email, and delete this communication from all affected databases, Thank you for your cooperation.

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 10, 2009

AMERICAN MARAZZI TILE INC
STEVEN T WIEDERWAX
259 CLAY RD
MESQUITE TX 75182

This letter is to inform you that during the technical review of Use Determination Application, 13868, for:

AMERICAN MARAZZI TILE INC
359 CLAY RD
SUNNYVALE TX 75182

the reviewer has determined that the following information is missing and/or incomplete:

What subsection of 40 CFR 60 Subpart OOO requires the construction or use of a clay storage facility?

Please provide this additional information as soon as possible. As per 30 TAC 17.12(2) the applicant must respond to a notice of deficiency (NOD) by providing the additional information required within 30 days of receipt of the NOD or the application will be returned. Once the additional information has been received the technical review of this application will resume. If you have any questions or require assistance in developing the additional required information please contact the Tax Relief for Pollution Control Property Program at (512) 239-6348. Your response may be faxed to 512/239-5678, electronically mailed to rhatlett@tceq.state.tx.us, or sent by U.S. Mail to:

Tax Relief for Pollution MCI10
PO Box 13087
Austin TX 78711-3087

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hatlett".

Ronald Hatlett
Tax Relief for Pollution Control Property Program