



# Harris County Appraisal District

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Houston TX 77040  
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Houston TX 77292-0975  
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## Office of General Counsel

February 15, 2010

***Via Certified Mail, RRR No. 7008 1140 0003 1200 2230***

Ms. LaDonna Castanuela, Chief Clerk  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, MC105  
Austin, Texas 78753

Re: Application No. 8262  
Company Name: Mizuho Corporate Bank MHCBS (USA)  
Street Address: 10500 Bay Area Blvd  
Pasadena, TX 77507  
Appraisal District: Harris County Appraisal District  
Type: Appeal of Positive Use Determination

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Peggy Mason

2010 FEB 18 PM 2:59  
CHIEF OF STAFF OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Dear Ms. Castanuela:

Pursuant to 30 Texas Administrative Code 17.25(a)(1), please allow this letter to serve as our formal appeal of the positive use determination regarding application no. 8262. In summary, the Harris County Appraisal District ("HCAD") never received information about the initial application or a copy of the positive use determination from the Executive Director of the Texas Commission on Environmental Quality ("TCEQ"). However, for your convenience, we are enclosing a copy of the positive use determination, which was obtained unofficially from the applicant. There is no copy of the application enclosed because none was provided, either from the Executive Director or the applicant.

HCAD requests that the Commission reopen or reconsider the use determination of Application No. 8262.

The basis for the appeal is that the current owner, Mizuho Corporate Bank MHCBS (USA), is a leasing company and does not utilize the production control property at its facility. Rather, Mizuho Corporate Bank MHCBS (USA) leases the property back to the original owner, Sunrise Chemical Bayport Facility for use in its (Sunrise's) plant. HCAD believes that a 100% positive use determination under these circumstances is contrary to current and longstanding TCEQ rules and regulations. An example of the Executive Director issuing a negative use determination in a case with substantially similar circumstances is Application No. 13805.

HCAD did not receive the information required by Texas Property Tax Code Section 11.31(d) from the Executive Director about the initial application for change of name on Application No. 8262.

February 15, 2010

Letter to Chief Clerk of TCEQ re: Appeal of Application No. 8262

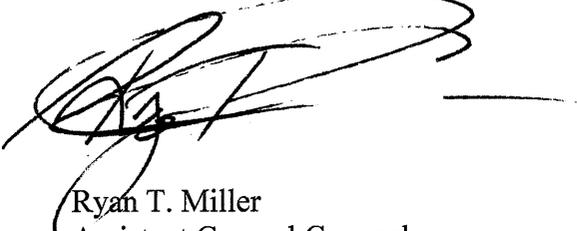
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Additionally, HCAD did not receive a copy of the use determination on Application No. 8262 from the Executive Director pursuant to Texas Property Tax Code Section 11.31(d).

For the foregoing reasons, HCAD believes that Texas Property Tax Code Section 11.31(e) is inapplicable. As an equitable measure, the extension for appealing the Executive Director's decision should be extended beyond the 20 day window prescribed by Texas Property Tax Code Section 11.31(e).

HCAD appreciates your cooperation in this regard, and on behalf of HCAD I look forward to hearing from you regarding this matter.

With kindest regards,



Ryan T. Miller  
Assistant General Counsel  
Office of General Counsel  
Harris County Appraisal District  
P.O. Box 920975  
Houston, TX 77292-0975  
Tel: (713) 957-5284  
Fax: (713) 957-5219

Cc: Nisseki Chemical  
Joe Charney  
10500 Bay Area Blvd  
Pasadena, TX 77507

***Via Certified Mail, RRR No. 7008 1140 0003 1200 2247***

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 3, 2009

NISSEKI CHEMICAL  
Joe Charney  
10500 BAY AREA BLVD  
PASADENA TX 77507

In response to your December 2, 2009 request we have changed the company name on the Use Determination issued for application 8262. The original use determination was issued on February 23, 2005. The new company name on the use determination is:

Mizuho Corporate Bank MHC (USA)  
Sunrise Chemical Bayport Facility  
10500 Bay Area Blvd  
Pasadena TX 77507

The new use determination is included with this letter.

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 "Ron Hatlett", written over a faint circular stamp.

Ron Hatlett  
Tax Relief Program  
Chief Engineer's Office

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vixey, 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 8262 filed by:

Mizuho Corporate Bank MIICB (USA)  
SUNRISE CHEMICAL BAYPORT FACILITY  
10500 BAY AREA BLVD  
PASADENA TX 77507

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

The following items: Flare; Monitoring Equipment on control devices; Fugitive Emission Monitors; Low NOx Burners; Welded Pipe Joints; Hoods & Collection Systems; Stacks; Conveyances, Pumps, Sumps, Tanks, & Basins; Waste Water Treatment Facility; Storm Water Containment; Waste Water Impoundments; Monitoring & Control Equipment; and Potable Water Systems.

The outcome of the review is:

A positive use determination of 100% for the Flare; Monitoring Equipment on control devices; Fugitive Emission Monitors; Low NOx Burners; Welded Pipe Joints; Hoods & Collection Systems; Stacks; Conveyances, Pumps, Sumps, Tanks, & Basins; Waste Water Treatment Facility; Storm Water Containment; Waste Water Impoundments; Monitoring & Control Equipment; and Potable Water Systems as detailed in the property description.

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



\_\_\_\_\_  
Executive Director

02/23/2005

\_\_\_\_\_  
Date