# 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 affached 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?			
	Partnership Ut	ole Proprietor tility ther:		
	B. Size of company: Number of Employees			
	☐ 1,000 to 1,             ☐ 100 to 499           ☐ 2,000 to 4,             ☐ 500 to 999           ☐ 5,000 or m	999		
	C. Business Description: (Provide a brief facility)  Electricity generation	description of the type of business or activity at the		
2.	Tier II \$1.000 Fee  Tier IV	\$2,500 Fee \$500 Fee TCEQ, or a copy of the ePay receipt along with the		
3,	NAME OF APPLICANT			
	A. Company Name:	Wise County Power Company, LP		
	B. Mailing Address (Street or P.O. Box):	12837 Louetta, Ste 201		
	C. City, State, and Zip	Cypress, TX 77429		
4	PHYSICAL LOCATION OF PROPERTY	V REQUESTING A TAX EXEMPTION		
1.	A. Name of Facility or Unit:	Wise County Power Plant		
	B. Type of Mfg. Process or Service:	Electricity Generation		
	C. Street Address:	Hwy 155		
	D. City, State, and Zip:	Poolville, TX		
	E. Tracking Number (Optional):			
	F. Company or Registration Number (Option	onal):		
5.	APPRAISAL DISTRICT WITH TAXING A. Name of Appraisal District: B. Appraisal District Account Number:	G AUTHORITY OVER PROPERTY Wise County Appraisal District		

DRAFT Tax Relief for Pollution Control Property Application
TCEQ-00611 (Revised January 2008)

71-12-202

#### 6. CONTACT NAME

A. Company/Organization Name	Cummings Westlake LLC	
B. Name of Individual to Contact:	Dale Cummings	
C. Mailing Address (Street or P.O. Box):	12837 Louetta, Suite 201	
D. City, State, and Zip:	Cypress, TX 77429	
E. Telephone number and fax number:	(713) 266-4456 X-1	
F E-Mail address (if available):	dcummings@cwlp.net	

#### 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	30 TAC 106.512
Water	
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.

Wise County Power Company installed two heat recovery steam generators in 2003 to reduce air emissions. Please see attached description.

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 Heat recovery steam generators	No	7	<u>B-8</u>	\$46,000,000	62.1%
Totals				\$46,000,000	

11.	(For more informa Will an application	tion about these grants, see the Application Instruction document).  I for an Emission Reduction Incentive Grant be filed for this property/project?				
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:  Date: 4/18/08					
	Title:	Authorized Agent				
	Company:	Cummings Westlake LLC				
	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)

#### ATTACHMENT TO WISE COUNTY POWER COMPANY, LP TCEQ APPLICATION

The Wise County plant is constructed as a Combined Cycle facility, and as such utilizes two Heat Recovery Steam Generators (HRSGs) as key components of its process. The HRSGs are designed to capture exhaust gases from a combustion turbine, and to convert this heat energy into high pressure and temperature steam. Heat transfer occurs through banks of finned tubes in the HRSG that contain water on the inside, contacted by the hot exhaust gases on the outside.

The use of a HRSG in Combined Cycle facilities results in an improvement in efficiency of the thermal cycle of a traditional power plant from approximately 36% to 50%. This allows more electrical energy to be produced for a given heat input than is possible by a simple cycle or traditional steam boiler/turbine '(Rankin cycle) configuration. Since less fuel is utilized per kilowatt of power produced, less exhaust gas emissions (NO<sub>X</sub>, CO, CO<sub>2</sub>, etc) are produced as a result. The HRSG' primary purpose of capturing and converting waste heat therefore results in positive environmental benefits.

Wise County Power Company is claiming 61.2% of the cost of the HRSG is pollution control equipment.

The calculation is based upon the difference between the thermal efficiency in simple cycle versus combined cycle mode.

Efficiency gain due to HRSG: (50%/36%) - 1 = 38.8%

Environmental benefit: (1 – efficiency gain of 38.8%) = 61.2%

Bryan W. Shaw, Ph.D., Chairman Carlos Rubinstein, Commissioner Toby Baker, Commissioner Zak Covar, Executive Director



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 10, 2012

Mr. Dale Cummings Agent Cummings westlake LLC 12837 Louetta Ste 201 Cypress, Texas 77429

Re: Notice of Negative Use Determination

Wise County Power Company LP

Wise County Power Plant

Highway 155

Poolville (Wise County)
Application Number: 12202

Dear Mr. Cummings:

This letter responds to Wise County Power Company LP's Application for Use Determination, received April 21, 2008, pursuant to the Texas Commission on Environmental Quality's (TCEQ) Tax Relief for Pollution Control Property Program for the Wise County Power Plant.

The TCEQ has completed the review for application #12202 and has issued a Negative Use Determination for the property in accordance with Title 30 Texas Administrative Code (TAC) §17.4 and §17.6. Heat recovery steam generators are used solely for production; therefore, are not eligible for a positive use determination.

Please be advised that a Negative Use Determination may be appealed. The appeal must be filed with the TCEQ Chief Clerk within 20 days after the receipt of this letter in accordance with 30 TAC §17.25.

If you have questions regarding this letter or need further assistance, please contact Ronald Hatlett of the Tax Relief for Pollution Control Property Program by telephone at (512) 239-6348, by e-mail at ronald.hatlett@tceq.texas.gov, or write to the Texas Commission on Environmental Quality, Tax Relief for Pollution Control Property Program, MC-110, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

cgood-

Chance Goodin, Team Leader Stationary Source Programs

Air Quality Division

CG/RH

Mr. Dale Cummings Page 2 July 10, 2012

cc: Chief Appraiser, Wise County Appraisal District, 400 E Business US 380, Decatur, Texas 76234