ASSOCAITED TAX APPRAISERS

AD VALOREM TAX CONSULTANTS

COPY

April 19, 2016

VIA CERTIFIED MAIL RRR# 70147011 2970 0004 0885 7793

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
12100 Park 35 Circle, MC105
Austin, Texas 78753

Re: ELG Metals, Inc.
ELG Metals, Inc. Scrap Metal Reclaiming Facility
15135 Jacintoport Boulevard
Houston (Harris County)
Regulated Entity Number: RN102185733
Customer Reference Number: CN601181027
Application Number: 19451

Dear Ms. Bohac:

Pursuant to §11.31(e) of the Texas Property Tax Code and Title 30 Texas Administrative Code (TAC) §17.25, please allow this letter to serve as **ELG Metals, Inc.**'s formal appeal of the Executive Director's negative use determination for the qualifying land and the roofs, walls foundations and floors of the Turnings Facility included on the above-referenced Use Determination for Pollution Control Application and as its request for consideration by the Texas Commission on Environmental Quality of same.

For your convenience, we are enclosing a copy of the negative determination, which was post-marked on April 1, 2016.

We appreciate your cooperation in this regard, and look forward to hearing from you regarding this matter.

Sincerely yours,

Associated Tax Appraisers, Agent

Ronald P. Little
AF/af

4543 Post Oak Place, # 232 Houston, TX 77027 (281) 497-2200 FAX (713) 627-8454

cc: Texas Commission on Environmental Quality
Tax Relief for Pollution Control Property (MC-110)
P.O. Box 13087
Austin, TX 78711-3087

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2016

Mr. Andrej Fedor
Agent
Associated Tax Appraisers
PO Box 91119
Austin, Texas 78709

Re: Notice of Use Determinations
ELG Metals, Inc.
ELG Metals, Inc. Scrap Metal Reclaiming Facility
15135 Jacintoport Boulevard
Houston (Harris County)
Regulated Entity Number: RN102185733
Customer Reference Number: CN601181027
Application Number: 19451
Tracking Number: 15-TCEQ-ELG Metals-003

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BY:

Dear Mr. Fedor:

This letter responds to ELG Metals, Inc.'s Application for Use Determination, received September 8, 2015, pursuant to the Texas Commission on Environmental Quality's (TCEQ) Tax Relief for Pollution Control Property Program for the ELG Metals, Inc. Scrap Metal Reclaiming Facility.

The TCEQ has completed the review for application #19451 and has determined that certain property included in the application is not eligible for a Positive Use Determination. The TCEQ has issued a Positive Use Determination for the eligible property in the application in accordance with Title 30 Texas Administrative Code (TAC) §17.4 and a Negative Use Determination for the ineligible property in accordance with §17.4 and §17.6. The justification for the Negative Use Determination is provided below.

A negative use determination is issued for the roofs, walls, foundations and floors of the Turnings Facility. The Turnings Facility is used as part of the production process at this facility and is not a pollution control device. The eligible portions of the facility are those items that are installed and used to control, monitor, or prevent air, water, or land pollution. Additionally, buildings are not included under Item S-20 of the Tier I Table.

A negative use determination is issued for the qualifying land included on the application as pollution control property because it is not eligible for a positive use determination because it was acquired before January 1, 1994, according to information provided on the application. Per Texas Tax Code §11.31(b), the applicant is not eligible for a property tax exemption for the land included in the application because the land was acquired before January 1, 1994.

In order to request an exemption for the eligible property, the attached Use Determination Certificate and a completed Application for Pollution Control Property Tax Exemption, Form #50-248 (please see www.cpa.state.tx.us), must be provided to the chief appraiser of the appropriate appraisal district no later than April 30th of the applicable tax year.

Please be advised that a Use Determination may be appealed by the applicant or the chief appraiser of the applicable appraisal district. 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 Elizabeth Sartain of the Tax Relief for Pollution Control Property Program by telephone at (512) 239-3933, by e-mail at Elizabeth.Sartain@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,

Shelley Naik

Shelley Naik, Team Leader
Stationary Source Programs
Air Quality Division

SN/ES

Enclosure

cc: Chief Appraiser, Harris County Appraisal District, PO Box 922004, Houston, Texas 77292

The State of Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Application Number: 19451

County: Harris

USE DETERMINATION CERTIFICATE

This certifies that
ELG Metals, Inc.
ELG Metals, Inc. Scrap Metal Reclaiming Facility
15135 Jacintoport Boulevard
Houston, Texas

installed the following property that is used 100% for pollution control to meet or exceed federal or state regulations:

Tanks, piping, and pumps used contain cutting fluids from metal turnings.

March 30, 2016

Date

David Brymer
Division Director

Air Quality Planning, MC 110
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

RETURN SERVICE REQUESTED

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Mr. Andrej Fedor
Agent
Associated Tax Appraisers
PO Box 91119
Austin, Texas 78709

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National Realty Consultants
4543 Post Oak Place Ste 232
Houston, Texas 77027

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Control Property (MC-110)
P.O. Box 13087
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