

Texas Commission on Environmental Quality

Instructions for Use Determination for Pollution Control Property Application Form TCEQ-00611

The *Use Determination for Pollution Control Property Application*, Form TCEQ-00611, must be completed in full. Entering 'see attachment' is not an acceptable answer. Attachments containing additional information are acceptable, but are not a substitute for completing the application.

The current version of the application form must be submitted. Applications filed using previous versions of the application form will be returned to the applicant.

The TCEQ may request additional information. The application will be returned to the applicant with the information request. The applicant must supply the requested information within 30 days of receipt of the written request. If the requested information is not received timely, the agency will cease reviewing the application and the application fee will be forfeited.

Applicants who have not filed the proper fee or a copy of their electronic payment receipt will receive a deficiency letter.

Additional information relating to completing the *Use Determination for Pollution Control Property Application*, Form TCEQ-00611, is available in the TCEQ regulatory guidance document, *Property Tax Exemptions for Pollution Control Property, RG-461*. If additional clarification or assistance is needed, please contact the Tax Relief Program by phone at 512-239-4900, or by e-mail at txrelief@tceq.texas.gov.

Filing Information

Send the completed application and the appropriate fee, along with a copy of the completed application for the appraisal district, to:

U.S. Mail

Cashiers Office, MC 214
Tax Relief Program
TCEQ
PO Box 13088
Austin TX 78711-3088

Physical Address

Cashier's Office, MC 214
Building A
TCEQ
12100 Park 35 Circle
Austin TX 78753

SPECIFIC INSTRUCTIONS

Section 1. Property Owner Information

Enter the company name and mailing address of the owner of the property to be considered in this application. Enter the Customer Number (CN) and Regulated Entity Number (RN) assigned by the TCEQ to the owner of the property. **Note: An application must include a TCEQ issued CN to be considered administratively complete.** Indicate whether the property in the application is owned by the entity assigned the CN listed in Question 4 of this section by placing an X in the appropriate space. If 'No', provide an explanation. To be eligible for a

positive use determination the property must be owned and operated by the same entity. Indicate whether the property is subject to any lease or lease-to-own agreement, by placing an X in the appropriate space. If 'Yes', provide an explanation. Indicate whether the property in the application is operated by the entity assigned the RN listed in Question 5 of this section by placing an X in the appropriate space. If 'No', provide an explanation. To be eligible for a positive use determination the property must be owned and operated by the same entity.

To determine if the owner has an assigned CN, search the TCEQ Central Registry at: <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>.

If the owner has not been assigned a CN, instructions on how to obtain one are available at: http://www.tceq.texas.gov/permitting/central_registry/guidance.html. An RN will be assigned when applying for a CN.

If applying for a CN, submit the Core Data Form with the application.

Important: An application must include a TCEQ issued CN to be considered administratively complete.

Section 2. Physical Location of Property

Enter the name of the facility or unit where the property in the application is physically located, the type of manufacturing process or service performed at this facility, the physical address of the facility, and the name of the county in which the property is rendered. This information is required and will be used by the TCEQ to notify the appropriate appraisal district that an application for use determination has been filed and will be used by the local appraisal district to identify the facility. Enter the appraisal district account number for the property (if applicable). If the property is new and has not been assigned an appraisal district account number, enter "new property."

Section 3. Contact Name

Enter the company name, contact name, salutation, title, suffix, mailing address, telephone number, fax number and email address of the person with whom the TCEQ will correspond. A self-assigned tracking number can be entered if desired.

All correspondence relating to this application will be directed to this person. The TCEQ will not mail multiple copies of use determinations or other correspondence.

Section 4. General Information

This section requests general information about the company owning the property. The TCEQ uses this information to compile a statistical analysis of use determinations it processes.

Select the type of ownership of the facility by placing an X in the appropriate space. If 'Other' is selected, provide an explanation.

Select the "Size of Company" by placing an X in the appropriate space for the number of employees for the **entire** company, not just the facility covered by the application.

Complete the "Business Description" section by providing a brief description of the nature of the business or activity that occurs at this facility.

Enter the six-digit North American Industrial Classification System (NAICS) code for the facility covered in the application.

NAICS codes are located at: <http://www.census.gov/eos/www/naics/>.

Section 5. Property Description, Applicable Rule, and Environmental Benefit

General Information

Enter the name of the property, including make and model numbers if possible.

Indicate whether the property is used 100% as pollution control equipment by placing an X in the appropriate space. If the answer is 'Yes', then explain how it was determined that the equipment is used 100% for pollution control. Stating that the item is located on the Tier I Table is not a sufficient response.

Indicate whether the property generates a Marketable Product by placing an X in the appropriate space. If the answer is 'Yes', then describe the marketable product. Marketable Product: Anything produced or recovered using pollution control property that is sold as a product, is accumulated for later use, or is used as a raw material in a manufacturing process. Marketable product includes, but is not limited to, anything recovered or produced using the pollution control property and sold, traded, accumulated for later use, or used in a manufacturing process (including at a different facility).

NOTE: A Tier III application must be filed if a marketable product is generated by the property.

Enter the Tier I Table number or the Expedited Review List number that has been assigned to the type of property for which the tax exemption is sought. If neither number applies, enter 'None.'

Indicate whether the property is integrated pollution control equipment by placing an X in the appropriate space. A separate application must be submitted for each unit of pollution control property or each group of integrated pollution control units installed for a common purpose at a facility. If the application covers unrelated units, the TCEQ will return the application without further processing.

Incremental Cost Difference

This section must be completed for Tier I Table items A-86, A-112, A-114, A-182, and S-22. The use determination percentage is based on the incremental cost difference between two pieces of property.

The costs of the new piece of property and the comparable property include the actual equipment costs plus any additional costs required to install the equipment.

Explain how the value of the comparable property was calculated. The explanation should include the source(s) of the information.

Property Description

Provide a detailed description of the property. Describe what the property is, where it is located at the facility (e.g., Baghouse installed on Production Line A), how it is used as pollution control equipment at the facility, the pollution it controls, and any material it recovers.

For example, if the property includes land or environmental paving, provide a legal description of the land and include an accurate plot plan of the land. The requested land or paving must be highlighted and the square footage must be listed. The cost of the paving per square foot and an explanation of why this property is integrated pollution control equipment must be provided.

The property should be described as the control device or process change. For example, if the installed property is a control device, such as a scrubber, only describe the scrubber and what emissions it controls. A description of each individual piece of the scrubber is not required.

NOTE: Do not repeat the description from the Tier I Table. Provide the specific information for the item in the application.

Applicable Rule

Provide the **specific** citation of the environmental rule or regulation that is being met or exceeded by the construction or installation of the property and describe how the property meets or exceeds the requirements. If the property was installed in order to meet a performance standard based rule, list the appropriate rule and provide supporting documentation showing how the property allows the facility to meet the appropriate standard.

The narrative must cite the specific citation, i.e., section, subsection, paragraph, subparagraph, or clause, of the environmental rule or regulation that directly applies to the property.

NOTE: The application must describe how the property meets or exceeds a rule, regulation, or statutory provision that has been adopted by a federal regulatory agency, the State of Texas, or a political subdivision of Texas. Regulations adopted by health and safety agencies, such as the Occupational Safety and Health Administration, do not meet this criterion.

If the applicant is uncertain of a specific rule to list in this section, many resources are available online. State rules are specified in the Texas Administrative Code: Title 16, Division 1 contains Railroad Commission rules, and Title 30 contains TCEQ rules. Other chapters may include other relevant regulations. The federal rules are specified in the Code of Federal Regulations: Title 40 contains EPA regulations; relevant regulations from other federal agencies are specified in other titles. Ordinances from cities and counties are often available at reliable web sites.

The following Internet sites may be helpful:

- Code of Federal Regulations (CFR) – http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl.
- State rules (TCEQ rules are codified in Title 30) – <http://www.sos.state.tx.us/tac/index.shtml>.

Environmental benefit

Provide a description of the environmental benefit or pollution control directly related to the construction or installation of the property.

NOTE: For purposes of this application, ‘environmental benefit or pollution control’ does not include the prevention, monitoring, control, or reduction of air, water, and/or land pollution that results from the use or characteristics of the applicant's goods produced or service provided.

Section 6. Process Flow Diagram (Optional)

A Process Flow Diagram is optional. Refer to [30 TAC §17.10\(d\)\(3\)](#).

Provide the necessary information to indicate where the property is located, listing all inputs and outputs, the pollutant(s) controlled, how the property controls the pollutant(s), and what happens to any materials removed or recovered by the property. Sketches, drawings, plot plans, or photographs may be substituted for process flow diagrams in some cases.

If a Process Flow Diagram is not provided, TCEQ staff will determine when and if such information is relevant and essential to the use determination and may require the subsequent submittal of a Process Flow Diagram.

Section 7. Partial Use Percentage Calculation

The procedures and calculations specified in [30 TAC §17.17](#) must be used to calculate the partial use percentage for Tier III applications, including those containing property located in one of the categories located on the Expedited Review List.

Additional information regarding partial use percentage calculations, including an example, is available in the TCEQ regulatory guidance document, *Property Tax Exemptions for Pollution Control Property, RG-461*.

Section 8. Property Categories and Costs

Enter the name of the property as was described in Section 5, Question 1.

Enter the appropriate Tier I Table or Expedited Review List item number for the property in the second column. If neither number applies, enter 'None.'

Enter the use percentage for the property in the third column. Enter the partial use percentage that was calculated in Section 7 for property that is not used wholly for pollution control.

Enter the estimated or actual purchase cost of the property in the fourth column.

Multiply the estimated or actual purchase cost of the property by the use percentage and enter that number in the Total field.

Section 9. Type of Application and Fee

Place an X in the proper box to identify the type of application being filed.

The types of applications for pollution control equipment are:

- **Tier I** – Property that is located on the Tier I Table or that is necessary for the installation or operation of equipment located on the Tier I Table. The fee is \$150.
- **Tier II** – Property that is used 100 percent as pollution control equipment but is not on the Tier I Table. The fee is \$1,000.
- **Tier III** – Property that is partially used as pollution control equipment. This can include property on the Tier I Table or on the Expedited Review List that generates or recovers marketable product. The fee is \$2,500.

Place an X in the proper box to identify the type of payment used to pay the application fee.

Enter the check number, money order number, or electronic payment receipt number, payment amount, the payer name on the payment, and the total amount of the payment if a single payment was made for multiple applications.

Information on electronic payments is located at: <http://www.tceq.texas.gov/e-services>.

NOTE: In accordance with the TCEQ's Delinquent Fee Protocol, the Tax Relief Program will not consider applications administratively complete until all delinquent fees the company owes to the TCEQ are paid.

Information regarding the TCEQ's Delinquent Fee Protocol is available at:
<http://www.tceq.texas.gov/agency/fees/delin/index.html>.

Section 10. Certification Statement

The application's certification statement must be signed and dated.