

# Texas Commission on Environmental Quality

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

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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 and TCEQ Core Data Form (Form TCEQ-10400) must be submitted. The current version of the application can be downloaded from <https://www.tceq.texas.gov/airquality/taxrelief>. Applications filed using previous versions of the application will be returned to the applicant.

Applications submitted without a completed Core Data Form will be returned to the applicant. The TCEQ uses the Core Data Form to collect core data about the people, businesses, and organizations that are regulated by or, in the case of the Tax Relief for Pollution Control Property Program, who request a use determination from the TCEQ. The Core Data Form and Instructions are available on the TCEQ’s website at [https://www.tceq.texas.gov/permitting/central\\_registry/guidance.html](https://www.tceq.texas.gov/permitting/central_registry/guidance.html).

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

The TCEQ may request additional information. If a copy of the application has been provided by the applicant, it will be returned to the applicant along 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.

***NOTE: Include a copy of the application as required by [30 TAC §17.10\(a\)\(1\)](#). An application will not be declared administratively complete and will not receive a technical review until this requirement is satisfied. If an application is not administratively complete after submittal of a second revised application, per [30 TAC §17.12\(2\)\(A\)](#) no further action will be taken on it and the application fee will be forfeited.***

Additional information relating to completing the *Use Determination for Pollution Control Property Application*, Form TCEQ-00611, is available in the 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](mailto:txrelief@tceq.texas.gov).

## SPECIFIC INSTRUCTIONS

### Section 1. Property Owner

Complete Section I: *General Information* and Section II: *Customer Information* on the Core Data Form. For the purposes of this form, the customer is the property owner. Refer to the instructions for the Core Data Form when completing the form.

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](http://www.tceq.texas.gov/permitting/central_registry/guidance.html). An RN will be assigned when applying for a CN.

**Note: An application must include a TCEQ-issued CN and RN or a request to have one issued to be considered administratively complete.**

Indicate whether the property in the application is owned by the entity assigned the CN listed on the Core Data Form 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.

### Section 2. Physical Location of Property

Complete Section III: *Regulated Entity Information* on the Core Data Form. Refer to the instructions for the Core Data Form when completing the form.

Indicate whether the property in the application is operated by the entity assigned the RN listed on the Core Data Form 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. 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

Complete Section IV: *Preparer Information* and Section V: *Authorized Signature* on the Core Data Form. Refer to the instructions for the Core Data Form when completing the form.

Enter the company name, contact name, salutation, title, suffix, mailing address, telephone number, and e-mail address of the person with whom the TCEQ will correspond. A self-assigned tracking number can be entered if desired. Use of a self-assigned tracking number is recommended if multiple applications are being submitted. This number will be included on correspondence relating to the application.

**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. Property Description, Applicable Rule, and Environmental Benefit**

### **General Information**

Enter the name of the pollution control property/equipment, including make and model numbers if possible. This should be the name of the property/equipment for which the tax exemption is sought.

Indicate whether the property/equipment 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 is defined as 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 asking that the non-integrated equipment be submitted on separate applications.

Enter applicable permit number(s) for the pollution control property. If one does not apply, enter "None."

### **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 pollution control property/equipment. 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.

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

The property/equipment 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 adopted 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 criteria.***

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](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- Title 40 CFR Chapter Index - [www.epa.gov/lawsregs/search/40cfr.html](http://www.epa.gov/lawsregs/search/40cfr.html)

- State rules (TCEQ rules are codified in Title 30) – [www.sos.state.tx.us/tac/index.shtml](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 5. 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, the TCEQ 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.

Do not provide paper documents larger than 11” x 17”. Larger size documents may be submitted electronically by including a CD or DVD with the application or by e-mail. If sending by e-mail, include a note in Section 5 stating that you wish to e-mail the process flow diagram or other documents. The application reviewer will contact you with the appropriate e-mail address.

## **Section 6. Calculation of Partial-Use Percentage**

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 guidance document, *Property-Tax Exemptions for Pollution Control Property, RG-461*.

## **Section 7. Property Categories and Costs**

Enter the name of the pollution control property/equipment as was described in Section 4, Question 1. Use the first row of the table to list land serving as pollution control property separately from other pollution control property.

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. For Tier I or Tier II applications, this use percentage should be 100%. Enter the partial-use percentage that was calculated in Section 6 for property that is not used wholly for pollution control.

Enter the estimated or actual purchase cost of the property in the fourth column. Provide a total estimated or actual purchase cost for all pollution control property included in the application.

**NOTE: Per Texas Tax Code §11.31(c)(2) an applicant must provide “the estimated cost of the pollution control facility, device, or method.” The TCEQ does not audit this cost number and the amount is not referenced in the final use determination. The TCEQ determines if the property meets the requirements established in §11.31. The appropriate appraisal district determines the appraised value of the property and issues the tax exemption.**

## **Section 8. 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, listed on the Tier I Table that generates a marketable product or serves a production benefit, or is located on the Expedited Review List. 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.

If you are filing more than one application you may either provide an application fee check for each individual application or you may provide one check for the total amount of fees.

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/delin/index.html>.

## **Section 9. Certification Statement**

The application's certification statement must be signed with an original signature and dated. The certification statement for revised applications must include an original signature and a current date.

## **APPLICATION SUBMISSION**

If paying by check or money order, send the completed TCEQ Core Data Form, Use Determination for Pollution Control Property Application, and the appropriate fee, along with complete copies of the TCEQ Core Data Form and Use Determination for Pollution Control Property Application to one of the addresses below. We will forward the copies to the appraisal district when the application is declared administratively complete.

*U.S. Mail*

Cashiers' Office, MC 214  
Tax Relief Program  
TCEQ  
P.O. Box 13088  
Austin, TX 78711-3088

*Physical Address*

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

If paying by electronic payment (ePay) send the completed TCEQ Core Data Form, Use Determination for Pollution Control Property Application, and a copy of the ePay receipt, along with complete copies of the TCEQ Core Data Form and Use Determination for Pollution Control Property Application to one of the addresses below. We will forward the copies to the appraisal district when the application is declared administratively complete. Revised applications which do not include a fee payment may also be sent to this address.

*U.S. Mail*

Tax Relief Program, MC 110  
TCEQ  
P.O. Box 13087  
Austin, TX 78711-3087

*Physical Address*

Tax Relief Program, MC 110  
TCEQ - Building F  
12100 Park 35 Circle  
Austin, TX 78753