

# Texas Commission on Environmental Quality

## ***Instructions: Applying for a Use Determination for Pollution Control Property through U.S. Mail***

There are now two ways to apply for a Use Determination for Pollution Control Property. Applications can now be submitted electronically using the TCEQ's State of Texas Environmental Electronic Reporting System ([STEERS](#)). Alternatively, applications can be submitted by U.S. mail by completing the Use Determination for Pollution Control Property Application (Form TCEQ-00611) and the TCEQ Core Data Form (Form TCEQ-10400).

Additional information is available in the guidance document, *Property Tax Exemptions for Pollution Control Property, RG-461*. The application form, these instructions, guidance, and links to the rules governing the program in Title 30, Texas Administrative Code, Chapter 17 are available on the [Tax Relief for Pollution Control Property](#) Web page. If additional clarification or assistance is needed, please contact the Tax Relief for Pollution Control Property Program by phone at 512-239-4900, or by e-mail at [txrelief@tceq.texas.gov](mailto:txrelief@tceq.texas.gov).

## **Submission by U.S. Mail**

The current version of *Use Determination for Pollution Control Property Application*, Form TCEQ-00611, and the TCEQ Core Data Form (Form TCEQ-10400) 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 is available on the [Tax Relief for Pollution Control Property](#) Web page <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 TCEQ 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 paid the proper fee or enclosed 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.***

## Section by Section Instructions

### Customer (Applicant) Information

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

If the property 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.***

Enter the CN for the applicant. Indicate whether the property in the application is owned by this CN by selecting “Yes” or “No.” 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 selecting “Yes” or “No.” If “Yes,” provide an explanation.

### Site Information (Regulated Entity)

To determine if the site has an assigned Regulated Entity Number (RN), search the TCEQ Central Registry at: <http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

If the site has not been assigned an RN, 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).

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

Enter the RN for the site where the property is located. Indicate whether the property in the application is operated by the facility associated with this RN by selecting “Yes” or “No.” If “No,” provide an explanation. To be eligible for a positive use determination the property must be owned and operated by the same entity.

### Application Contact

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.***

### Pollution Control Property General Characteristics

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.

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.***

Indicate whether the property/equipment is used 100% as pollution control equipment by selecting “Yes” or “No.” 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. If the answer is “No,” indicate the partial use determination percentage that is being requested.

Indicate whether the property generates a marketable product by selecting “Yes” or “No.” 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.***

Indicate whether the property is integrated pollution control equipment by selecting “Yes” or “No.” 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.

Indicate whether there are applicable permit number(s) for the pollution control property by selecting “Yes” or “No.” If “Yes,” enter applicable permit number(s).

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.”

Enter the total estimated cost of the property for which you are seeking a use determination. If this use determination is to be based on incremental cost difference, enter the estimated incremental cost of the property here.

## **Type of Application and Fee**

Select 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% 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.

Enter the Expedited Review List number (if applicable) that has been assigned to the type of property for which the tax exemption is sought.

For Tier I applications, enter the appropriate number from the Tier I Table located in [30 TAC §17.14\(a\)](#).

Select the type of payment used to pay the application fee. Enter the check number, money order number, or ePay 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: <https://www.tceq.texas.gov/agency/financial/fees/delin>.

## **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.

## **Applicable Rule and Environmental Benefit**

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) Title 40 – [https://www.ecfr.gov/cgi-bin/text-idx?SID=29eb1032fbef87861bda2c85898c1421&mc=true&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=29eb1032fbef87861bda2c85898c1421&mc=true&tpl=/ecfrbrowse/Title40/40tab_02.tpl)
- EPA Laws and Regulations – <https://www.epa.gov/laws-regulations>
- 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)

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.***

## **Attachments**

Indicate if you are planning to send additional documents by e-mail by selecting “Yes” or “No.” If sending by e-mail, the application reviewer will contact you with the appropriate e-mail address.

Indicate if you are planning to attach documentation to the application such a process flow diagram or supplemental process information. A process flow diagram is optional. 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.

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.

Do not submit paper documents larger than 11" × 17". Larger documents may be submitted electronically by including a CD or DVD with the application, or by e-mail, as noted above.

Indicate if you are planning to attach documentation of the calculations used to determine the partial-use percentage you are requesting (if applicable). The procedures and calculations specified in [30 TAC §17.17](#) must be used to calculate the partial-use percentage for all Tier III applications, including those containing property located in one of the categories 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.

## **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.

## **Submitting Your Application**

If paying by check or money order, send the completed TCEQ Core Data Form, Application Form TCEQ-00611, and the appropriate fee, along with complete copies of the TCEQ Core Data Form and Application form 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:*

Cashier's 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 electronically (via ePay), send the completed TCEQ Core Data Form, Application Form TCEQ-00611, and a copy of the ePay receipt, along with complete copies of the TCEQ Core Data Form and Application Form TCEQ-00611 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:*

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