

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Dynegy Midwest Generation, Inc.)
Coal Dust Removal System)
)
)
Property Identification Number)
04-36-200-008-0080)
)
)

PCB 04-60
(Tax Certification)

RECEIVED
CLERK'S OFFICE
OCT 17 2003
STATE OF ILLINOIS
Pollution Control Board

NOTICE

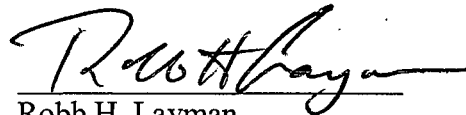
TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Donna Redmon
Tax Manager
Dynegy Midwest Generation, Inc.
1000 Louisiana
Houston, Texas 77002

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the APPEARANCE AND RECOMMENDATION of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Date: October 15, 2003



Robb H. Layman
Special Assistant Attorney General
ARDC #6205498

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217/782-5544
Facsimile: 217/782-9807
TDD: 217/782-9143

THIS FILING IS SUBMITTED
ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Dynegy Midwest Generation, Inc.
Coal Dust Removal System

Property Identification Number
04-36-200-008-0080

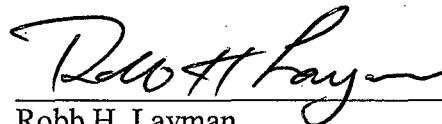
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APPEARANCE

I hereby file my Appearance in this proceeding on behalf of the Illinois Environmental Protection Agency.



Robb H. Layman
Special Assistant Attorney General
ARDC #6205498

DATED: October 15, 2003

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)
)

RECOMMENDATION

Now Comes the Illinois Environmental Protection Agency ("Illinois EPA"), through its attorneys, and pursuant to Section 125.204 of the Illinois Pollution Control Board's ("Board") regulations, files the following Recommendation regarding the tax certification of air pollution control facilities pursuant to 35 Ill. Adm. Code 125.204.

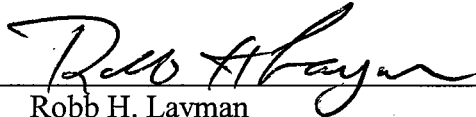
- 1) On March 12, 2003, the Illinois EPA received a request from Dynegy Midwest Generation, Inc. for an Illinois EPA recommendation regarding the tax certification of air pollution control facilities pursuant to 35 Ill. Adm. Code 125.204, and noted the request as log number TC-03-03-12. (Exhibit A).
- 2) The applicant's address is: Donna Redmon, Tax Manager
Dynegy Midwest Generation, Inc.
1000 Louisiana
Houston, Texas 77002
- 3) The air pollution control facilities in this request are located at 17810 East Manito Road, Havana Township, Mason County and consist of the following:

Coal Dust Removal System consisting of wet suppression systems, bag filters, and insertable dust collectors which will result in an overall decrease in Particulate

Matter (PM) emissions. Because the primary purpose of this system is to reduce or eliminate air pollution, it is certified as a pollution control facility.

4. Section 11-10 of the Property Tax Code, 35 ILCS 200/11-10 (2000), defines “pollution control facilities” as: “any system, method, construction, device or appliance appurtenant thereto or any portion of any building or equipment, that is designed, constructed, installed or operated for the primary purpose of: (a) eliminating, preventing, or reducing air or water pollution ...or (b) treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without treatment, pretreatment modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.”
5. Pollution control facilities are entitled to preferential tax treatment, 35 ILCS 200/11-5 (2000).
6. Based on the information in the application and the purpose of the facilities, to prevent, eliminate or reduce air pollution, it is the Illinois EPA’s engineering judgment that the described facilities may be considered “pollution control facilities,” pursuant to 35 Ill. Adm. Code 125.200(a), with the primary purpose of eliminating, preventing, or reducing air pollution, or as otherwise provided in 35 Ill. Adm. Code 125.200. Therefore, the facilities are eligible for tax certification from the Board.
7. Therefore, the Illinois EPA recommends that the Board issue the requested tax certification.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,

By: 
Robb H. Layman
Special Assistant Attorney General

Of Counsel:
Charles E. Matoesian
Assistant Counsel

October 15, 2003

1021 North Grand Ave. E.
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-5544
Facsimile: 217/782-9807
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**APPLICATION FOR CERTIFICATION (PROPERTY TAX TREATMENT)
POLLUTION CONTROL FACILITY
AIR WATER**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
P. O. Box 19276, Springfield, IL 62794-9276**

This Agency is authorized to request this information under Illinois Revised Statutes, 1979, Chapter, 120, Section 502a-5. Disclosure of this information is voluntary. However, failure to comply could prevent your application from being processed or could result in denial of your application for certification.

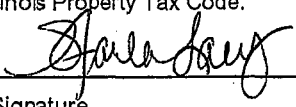
FOR AGENCY USE

File No.	Date Received	Certification No.	Date	
Sec. A APPLICANT	Company Name Dynegy Midwest Generation, Inc. - Havana Dock Facility			
	Person Authorized to Receive Certification Donna M. Redmon-Tax Manager		Person to Contact for Additional Details Starla Lacy-Director, Environmental	
	Street Address 1000 Louisiana		Street Address 1000 Louisiana	
	Municipality, State & Zip Code Houston, TX 77002		Municipality, State & Zip Code Houston, TX 77002	
	Telephone Number 713-767-8794		Telephone Number 713-767-8961	
	Location of Facility Quarter Section	Township Range	Municipality Havana	Township Havana
	Street Address 17810 East Manito Road		County Mason	Book Number
	Property Identification Number		Parcel Number 04-36-200-008-0080	
Sec. B MANUFACTURING OPERATIONS	Nature of Operations Conducted at the Above Location Coal Transfer Plant and Dock Facility			
	Water Pollution Control Construction Permit No.		Date Issued	
	NPDES PERMIT No. IL0070882		Date Issued Public Notice	Expiration Date Not Issued
	Air Pollution Control Construction Permit No. 01110034		Date Issued November 28, 2001	
	Air Pollution Control Operating Permit No. 73021103		Date Issued April 20, 2000	
Sec. C MANUFACTURING PROCESS	Describe Unit Process Coal receiving, transfer and storage			
	Materials Used in Process Coal			
Sec. D POLLUTION CONTROL FACILITY DESCRIPTION	Describe Pollution Abatement Control Facility Dust control equipment consisting of wet suppression systems, bag filters, and insertable dust collectors to be used in controlling emissions during the transfer and loading of coal onto barges, trains, trucks, and/or storage piles.			

A

Sec. E
 POLLUTION CONTROL FACILITY - CONTAMINANTS
 ACCOUNTING DATA

(1) Nature of Contaminants or Pollutants Particulates		
	Material Retained, Captured or Recovered	
Contaminant or Pollutant	DESCRIPTION	DISPOSAL OR USE
Particulates	Coal Dust	The coal dust collected will be retained in the coal supply
(2) Point(s) of Waste Water Discharge		
Plans and Specifications Attached		
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(3)	Are contaminants (or residues) collected by the control facility?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(4)	Date installation completed <u>8-19-2002</u> status of installation on date of application	<small>Installed and in commissioning phase</small>
(5)	a. FAIR CASH VALUE IF CONSIDERED REAL PROPERTY:	\$ 1,962,300.00
	b. NET SALVAGE VALUE IF CONSIDERED REAL PROPERTY:	\$
	c. PRODUCTIVE GROSS ANNUAL INCOME OF CONTROL FACILITY:	\$
	d. PRODUCTIVE NET ANNUAL INCOME OF CONTROL FACILITY:	\$
	e. PERCENTAGE CONTROL FACILITY BEARS TO WHOLE FACILITY VALUE:	% 100

Sec. F	SIGNATURE	The following information is submitted in accordance with the Illinois Property Tax Code, as amended, and to the best of my knowledge, is true and correct. The facilities claimed herein are "pollution control facilities" as defined in Section 11-10 of the Illinois Property Tax Code.
		 _____ Signature
		Director, Environmental _____ Title

Sec. G	<p style="text-align: center;">INSTRUCTIONS FOR COMPILING AND FILING APPLICATION</p> <p>General: Separate applications must be completed for each control facility claimed. Do not mix types (water and air). Where both air and water operations are related, file two applications. If attachments are needed, record them consecutively on an index sheet.</p>												
INSTRUCTIONS	<table border="1" style="width: 100%;"> <tr> <td style="width: 10%;">Sec. A</td> <td>Information refers to applicant as listed in the tax records and the person to be contacted for further details or for inspection of facilities. Define facility location by street address or legal description. A plat map location is required for facilities located outside of municipal boundaries. The property identification number is required.</td> </tr> <tr> <td>Sec. B</td> <td>Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)</td> </tr> <tr> <td>Sec. C</td> <td>Refers to manufacturing processes or materials on which pollution control facility is used.</td> </tr> <tr> <td>Sec. D</td> <td>Narrative description of the pollution control facility, indicating that its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility. State permit number, date, and agency issuing permit. A narrative description and a process flow diagram describing the <u>pollution control facility</u>. Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an <u>average</u> analysis of the influent and effluent of the control facility stating the collection efficiency.</td> </tr> <tr> <td>Sec. E</td> <td>List air contaminants, or water pollution substances released as effluents to the manufacturing processes. List also the final disposal of any contaminants removed from the manufacturing processes. Item (1) - Refers to pollutants and contaminants removed from the process by the pollution control facility. Item (2) - Refers to water pollution but can apply to water-carried wastes from air pollution control facilities. Submit drawings, which clearly show (a) Point(s) of discharge to receiving stream, and (b) Sewers and process piping to and from the control facility. Item (3) - If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value in dollars reclaimed by sale or reuse of the collected substances. State the cost of reclamation and related expense. Item (4) - State the date which the pollution control facility was first placed in service and operated. If not, explain. Item (5) - This information is essential to the certification and assessment actions. This accounting data must be completed to activate project review prior to certification by this Agency.</td> </tr> <tr> <td>Sec. F</td> <td>Self-explanatory. Signature must be a corporate authorized signature.</td> </tr> </table>	Sec. A	Information refers to applicant as listed in the tax records and the person to be contacted for further details or for inspection of facilities. Define facility location by street address or legal description. A plat map location is required for facilities located outside of municipal boundaries. The property identification number is required.	Sec. B	Self-explanatory. Submit copies of all permits issued by local pollution control agencies. (e.g. MSD Construction Permit)	Sec. C	Refers to manufacturing processes or materials on which pollution control facility is used.	Sec. D	Narrative description of the pollution control facility, indicating that its primary purpose is to eliminate, prevent or reduce pollution. State the type of control facility. State permit number, date, and agency issuing permit. A narrative description and a process flow diagram describing the <u>pollution control facility</u> . Include a listing of each major piece of equipment included in the claimed fair cash value for real property. Include an <u>average</u> analysis of the influent and effluent of the control facility stating the collection efficiency.	Sec. E	List air contaminants, or water pollution substances released as effluents to the manufacturing processes. List also the final disposal of any contaminants removed from the manufacturing processes. Item (1) - Refers to pollutants and contaminants removed from the process by the pollution control facility. Item (2) - Refers to water pollution but can apply to water-carried wastes from air pollution control facilities. Submit drawings, which clearly show (a) Point(s) of discharge to receiving stream, and (b) Sewers and process piping to and from the control facility. Item (3) - If the collected contaminants are disposed of other than as wastes, state the disposition of the materials, and the value in dollars reclaimed by sale or reuse of the collected substances. State the cost of reclamation and related expense. Item (4) - State the date which the pollution control facility was first placed in service and operated. If not, explain. Item (5) - This information is essential to the certification and assessment actions. This accounting data must be completed to activate project review prior to certification by this Agency.	Sec. F	Self-explanatory. Signature must be a corporate authorized signature.
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PROOF OF SERVICE

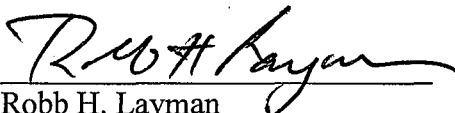
I, the undersigned, certify that I have served the attached APPEARANCE AND RECOMMENDATION upon the person to whom it is directed, by placing them in an envelope addressed to:

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Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois

Donna Redmon
Tax Manager
Dynergy Midwest Generation, Inc.
1000 Louisiana
Houston, Texas 77002

Steve Santarelli
Illinois Department of Revenue
101 West Jefferson
P.O. Box 19033
Springfield, Illinois 62794

and mailing it by First Class Mail from Springfield, Illinois on October 15, 2003, with sufficient postage affixed.



Robb H. Layman
Special Assistant Attorney General
ARDC #6205498

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